

**21-35 Sherbourne Street North – Zoning Amendment and Rental Housing Demolition Applications – Final Report**

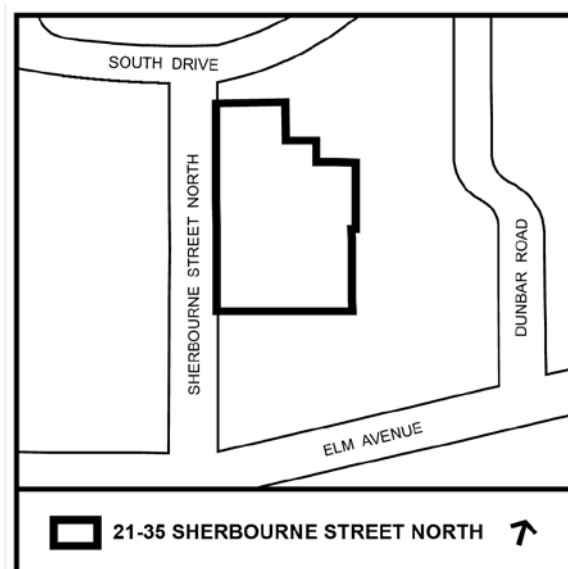
<b>Date:</b>	December 8, 2017
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	13 109447 STE 27 OZ & 13 124416 STE 27 RH

**SUMMARY**

The application to amend the Zoning By-law for 21-35 Sherbourne Street North proposes: to demolish the existing building at 29 Sherbourne Street North, the rear portions of 31 and 33 Sherbourne Street North, and five existing detached garages; to construct a new 3-storey residential building with two dwelling units at 29 Sherbourne Street North, rear additions to 31 Sherbourne Street North and 33 Sherbourne Street North, and a shared one-storey below-grade garage with 24 parking spaces; and to convert an existing coach house at 31 Sherbourne Street North into studio space.

As required by the Municipal Code Chapter 667, the owner has also submitted a Rental Housing Demolition and Conversion Application as the proposal involves the demolition of rental dwelling units on a property with six or more dwelling units. Three rental dwelling units are proposed to be demolished.

This report reviews and recommends approval of the application to amend the Zoning By-law and the rental housing demolition application.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 21-35 Sherbourne Street North substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9 to the report dated December 8, 2017 from the Acting Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to:
  - a. Submit a revised Functional Servicing Report and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services;
  - b. Provide a detailed Conservation Plan, prepared by a qualified heritage consultant that is consistent with the conservation strategy set out in the Heritage Impact Assessment for 21-33 Sherbourne Street North prepared by ERA Architects Inc., dated September 7, 2017, to the satisfaction of the Senior Manager, Heritage Preservation Services;
  - c. Enter into an Agreement pursuant to Section 37 of the *Planning Act* to the satisfaction of the City Solicitor, the Chief Planner and Executive Director, City Planning Division, and the Senior Manager, Heritage Preservation Services to secure the following:
    - i. Prior to Final Site Plan approval, the owner shall provide final site plan drawings substantially in accordance with the approved Conservation Plan required in Recommendation 3.b. above to the satisfaction of the Senior Manager, Heritage Preservation Services;
    - ii. Prior to the issuance of any permit for all or any part of the properties at 21-33 Sherbourne Street North, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Preservation Services, the owner shall:
      - A. Have obtained final approval for the necessary Zoning By-law Amendment required for the subject property, such Amendment to have come into full force and effect;

- B. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 3.b. above including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Preservation Services; and
          - C. Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Preservation Services to secure all work included in the approved Conservation Plan.
        - iii. Prior to the release of the Letter of Credit required in Recommendation 3.c.ii.C. above the owner shall provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work has been completed in accordance with the Conservation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services; and
        - iv. Prior to obtaining Site Plan Approval, the owner shall make an application for a common elements condominium for 21-33 Sherbourne Street, to provide access to and use of the underground parking structure and any shared services, as appropriate.
4. City Council authorize the Chief Planner and Executive Director, City Planning to issue a preliminary approval for the application under Municipal Code Chapter 667 for the demolition of the three rental dwelling units at 29 Sherbourne Street North and 31 Sherbourne Street North after all of the following have occurred:
  - a. Satisfaction or securing of the Conditions in Recommendation 3;
  - b. Zoning By-law Amendments for this development have come into full force and effect; and
  - c. The issuance of the Notice of Approval conditions for the site plan approval by the Chief Planner and Executive Director, City Planning or designate, pursuant to Section 114 of the *City of Toronto Act, 2006*.
5. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval referred to in Recommendation 4 for the removal of the three rental dwelling units at 29 Sherbourne Street North and 31 Sherbourne Street North.

## Financial Impact

The recommendations in this report have no financial impact.

## DECISION HISTORY

At its meeting on May 14, 2013 Toronto and East York Community Council considered a Preliminary Report recommending that staff schedule a community consultation meeting to discuss the proposal with area residents.

The Preliminary Report can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE24.41>

## ISSUE BACKGROUND

### Site and Surrounding Area

The site is located on the east side of Sherbourne Street North, just north of Elm Avenue and south of South Drive in the area known as South Rosedale. The site is approximately 4,820 square metres in area, generally rectangular in shape and has approximately 74 metres of frontage along Sherbourne Street North. The site is currently occupied by six detached dwellings comprising twelve residential units, of which ten are rental, a coach house and five detached garages.

**Table 1: Site Description**

Address	Description
21-25 & 27 Sherbourne Street North	3-storey detached dwelling with 2 rental dwelling units and 1 owner-occupied dwelling unit; 2-storey detached dwelling with 3 rental dwelling units; 2 detached garages
29 Sherbourne Street North	2-storey detached dwelling with 1 rental dwelling unit; detached garage
31 Sherbourne Street North	3-storey detached dwelling with 2 rental dwelling units and 1 owner-occupied dwelling unit; 1½-storey detached accessory building (coach house) with parking and studio space; detached garage
33 Sherbourne Street North	3-storey owner-occupied detached dwelling; detached garage
35 Sherbourne Street North	3-storey owner-occupied detached dwelling; detached shed

The existing dwellings at 21-35 Sherbourne Street North are within the South Rosedale Heritage Conservation District, which is designated under Part V of the Ontario Heritage Act and are listed in the City's Inventory of Heritage properties. The South Rosedale Heritage Conservation District Study rates properties as category A, B, C or non-contributing to the cultural heritage value of the District. The dwellings at 21- 25 and 29 Sherbourne Street North and the coach house at the rear of 31 Sherbourne Street North are listed as non-contributing or "unrated" buildings, the

dwellings at 31 and 33 Sherbourne Street North are identified as "C-rated" buildings, and 27 Sherbourne Street North is identified as an "A-rated" building.

Surrounding uses include:

**South:** directly south of the site at the northeast corner of Sherbourne Street North and Elm Avenue, fronting Elm Avenue is a U-shaped 3-storey residential apartment building. Farther south are 2 and 3-storey detached dwellings.

**East:** to the east are rear yards of 2- and 3-storey detached residential dwellings at 10- 22 Dunbar Road and 99-103 South Drive.

**West:** to the west are 2- and 3-storey detached residential dwellings.

**North:** to the north are 2- and 3-storey detached residential dwellings.

## **Proposal**

The applicant has submitted a Zoning By-law Amendment application for 21-35 Sherbourne Street North which proposes to:

- demolish the existing detached dwelling at 29 Sherbourne Street North and construct a new 3-storey dwelling with two units;
- demolish the rear portion of 31 Sherbourne Street North and construct a 3-storey rear addition;
- demolish the rear portion of 33 Sherbourne Street North and construct a 2-storey rear addition;
- demolish five existing detached garages in the rear yards of 21-27 Sherbourne Street North, 29 Sherbourne Street North, 31 Sherbourne Street North, and 33 Sherbourne Street North, and to construct a shared below-grade garage;
- reconfigure the detached structure at the rear of 35 Sherbourne Street North to facilitate an elevator to connect with the below-grade garage; and
- convert an existing coach house at 31 Sherbourne Street North into an artist's studio.

The new 3-storey dwelling at 29 Sherbourne Street North will contain two dwelling units, each of which has its own private entrance and rear yard amenity space. The building will have a front lot line setback of 27.5 metres from Sherbourne Street North, and a rear lot line setback ranging from 8.3 metres to 9.4 metres. The main side walls of the building will be located between the side walls of 27 and 31 Sherbourne Street North. The building will have a height of 10.3 metres measured to the top of the roof with the third storey constructed within the massing of a sloped roof. The building will have a gross floor area of 650 square metres. The space between the front lot line and main front wall will be used as a shared landscaped courtyard with walkways and 10 bicycle parking spaces.

The 3-storey rear addition to 31 Sherbourne Street North will be constructed in line with the existing side walls and will result in an overall building depth of 25.4 metres. The addition will match the height of the maintained portion of the dwelling at 9.8

metres measured to the midpoint between the eaves and top of the sloped roof. The building will contain two rental dwelling units, one of which makes use of the existing entrance facing Sherbourne Street North and the other with an entrance facing the courtyard in front of 29 Sherbourne Street North. The building will have a gross floor area of 621 square metres.

The existing 1.5-storey coach house located at the rear of 31 Sherbourne Street North, currently used as parking at-grade and studio space above, is to be retained and used solely for studio space.

The 2-storey rear addition to 33 Sherbourne Street North will be constructed in line with the existing side walls and will result in an overall building depth of 19.0 metres. The addition will be 8.5 metres in height, less than the 11.6 metre height of the maintained portion of the dwelling. The altered building will be maintained as one non-rental dwelling unit. The building will have a gross floor area of 373 square metres.

The buildings at 21-25 and 27 Sherbourne Street North are to be maintained.

The site currently supports twelve dwelling units, consisting of two non-rental detached houses at 33 and 35 Sherbourne Street North, and 10 rental units comprising 3 rental dwelling units at each of 21-25, 27 and 31 Sherbourne Street North and one rental dwelling unit at 29 Sherbourne Street North. The proposal maintains ten rental dwelling units, with the six units at 21-25 and 27 Sherbourne Street North being maintained and four units being reconfigured at 29 and 31 Sherbourne Street North.

The proposal will consolidate the required on-site parking for 21-35 Sherbourne Street North within a shared one-level below-grade garage. Vehicular access to the below-grade parking will be located within the side yards of 31 and 33 Sherbourne Street North. The parking garage will accommodate 23 resident parking spaces including parking for 35 Sherbourne Street North, 1 visitor parking space, storage lockers, and a garbage and recycling storage area.

The detached structure at the rear of 35 Sherbourne Street North will be reconfigured to introduce an elevator that connects with the below-grade garage via a below-grade tunnel. Although the detached dwelling at 35 Sherbourne Street North is included in the application, the ownership is separate from the properties at 21-33 Sherbourne Street North. The dwelling at 35 Sherbourne Street North is included in the proposal for parking purposes only.

The total gross floor area of the site, not including 35 Sherbourne Street North, is 2,956 square metres which results in a floor space index of 0.68 times the area of the lot 21-33 Sherbourne Street North).

The applicant will submit an application for common elements condominium for the shared below-grade garage and any other elements of the development which are common to all unit owners.

The Site Plan, Elevations, and 3D Model Rendering are included in Attachment Nos. 1-6 of this report. Additional project information is included in Attachment No. 8 (Application Data Sheet).

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its official plan and to inform decisions on other planning and development matters. Policy 4.7 states that the Official Plan is the most important vehicle for implementing the PPS. The PPS is issued under Section 3 of the Planning Act and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;

- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the Planning Act, to conform, or not conflict, as the case may be, with the Growth Plan.

Staff have reviewed the proposed zoning amendment for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The City's Official Plan designates the lands within the Focused Study Area as *Neighbourhoods* on Map 17 – Land Use Plan. *Neighbourhoods* are considered physically stable areas and are made up of low scale residential uses along with parks, schools and local institutions.

The Official Plan identifies Sherbourne Street North as a major street on Map 3 – Right-of-Way Widths Associated with Existing Major Streets. Where a more intense form of residential development than that permitted by existing zoning on a major street in a *Neighbourhood* is proposed, the application will be reviewed in accordance with Section 4.1 - Policy 5, having regard to both the form of development along the street and its relationship to adjacent development in the *Neighbourhood*.

**Section 2.3.1** – "Healthy Neighbourhoods" of the Official Plan indicates that while some physical change will occur to neighbourhoods over time as enhancements, additions and replacement housing occur on individual sites, a cornerstone policy is to ensure that new development in our neighbourhoods respects the existing physical character of the area, reinforcing the stability of the neighbourhood. The stability of the physical character of *Neighbourhoods* is one of the keys to Toronto's success.

**Section 4.1** – "*Neighbourhoods*" includes policies and development criteria to ensure that physical changes to established neighbourhoods are sensitive, gradual and generally "fit" the existing physical character. Development criteria in Policy 5 state that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, in particular:

- a. Patterns of streets, blocks and lanes, parks and public building sites;
- b. Size and configuration of lots;
- c. Height, massing, scale and dwelling type of nearby residential properties;



- d. Prevailing building type(s);
- e. Setbacks of buildings from the street or streets;
- f. Prevailing patterns of rear and side yard setbacks and landscaped open space;
- g. Continuation of special landscaped or built-form features that contribute to the unique physical character of a neighbourhood; and
- h. Conservation of heritage buildings, structures and landscapes.

Policy 5 further states that no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of a *Neighbourhood*.

Policy 8 states that “zoning by-laws will contain numerical site standards for matters such as building type and height, density, lot sizes, lot depths, lot frontages, parking, building setbacks from lot lines, landscaped open space and any other performance standards to ensure that new development will be compatible with the physical character of established residential *Neighbourhoods*.”

**Section 3.1.2** – "Built Form" indicates that development will be located, organized and massed to fit harmoniously with the existing and/or planned context. Policy 2 states that new development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces by:

- a. using shared service areas where possible within development block(s) including public and private lanes, driveways and service courts;
- b. consolidating and minimizing the width of driveways and curb cuts across the public sidewalk;
- c. integrating services and utility functions within buildings where possible;
- d. providing underground parking where appropriate;
- e. limiting surface parking between the front face of a building and the public street or sidewalk; and
- f. integrating above-ground parking structures, where permitted or appropriate, with building design, and have usable building space at grade facing adjacent streets, parks and open spaces.

**Section 3.1.5** – "Heritage" addresses the conservation of heritage resources and includes policies that state that Heritage Impact Assessments will evaluate the impact of a proposed alteration to a property on the Heritage Register, and/or to properties adjacent to a property on the Heritage Register, to the satisfaction of the City.

Policy 4 states that properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada, as revised from time to time and adopted by Council. Policy 5 states that proposed alterations, development, and/or public works on or adjacent to, a property on the Heritage Register will ensure that the integrity of the

heritage property's cultural heritage value and attributes will be retained, prior to work commencing on the property and to the satisfaction of the City. Policy 6 states that the adaptive re-use of properties on the Heritage Register is encouraged for new uses permitted in the applicable Official Plan land use designation, consistent with the "Standards and Guidelines for the Conservation of Historic Places in Canada".

Policy 26 identifies that new construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impacts on it. Policy 33 states that Heritage Conservation Districts should be managed and conserved by approving only those alterations, additions, new development, demolitions, removals and public works in accordance with respective Heritage Conservation District plans.

The Official Plan also contains policies addressing the need to preserve and increase the City's supply of rental and affordable housing. **Section 3.2.1** – "Housing" of the Official Plan includes housing policies that encourage the provision of a full range of housing in terms of form, tenure and affordability. Policy 5 states that for significant new development on sites containing six or more rental units, where existing rental units will be maintained, the existing units which have affordable and mid range rents will be secured as rental housing and any needed improvements and renovations to the existing rental housing may also be secured without the pass-through of such costs to tenants. The Official Plan indicates that Section 37 agreements may be used to secure any needed improvements to the existing rental building.

Applicants proposing to demolish six or more residential rental units, except where all of the rents are above the mid-range rent category, are required to replace the rental units with the same number, size and type of rental housing units and maintain them with rents similar to the rents of existing units on the site. An acceptable tenant relocation and assistance plan is also required to address moving related costs, alternative accommodation, and other assistance to lessen hardship.

**Section 5.6** – "Interpretation" provides guidance as to the understanding and interpretation of the Official Plan. Policy 1 indicates the Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. Further, **Section 1.5** – "How to Read the Plan" indicates the Official Plan is a comprehensive and cohesive whole. This proposal was reviewed against the policies described above as well as the policies of the Official Plan as a whole.

The Official Plan can be accessed at:

[www1.toronto.ca/static\\_files/CityPlanning/PDF/chapters1\\_5\\_dec2010.pdf](http://www1.toronto.ca/static_files/CityPlanning/PDF/chapters1_5_dec2010.pdf)

### **Official Plan Amendment 320**

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment (OPA) 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing

neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*.

OPA 320 adds a new policy to Section 4.1 Policy 5 that provides direction on how to delineate a geographic neighbourhood and instructs that when reviewing new development within *Neighbourhoods*, the contextual analyses should take into consideration the existing physical character of the properties in the same block that also face the same street as the development site, and then the existing character of a nearby larger neighbourhood area should also be taken into consideration. Ensuring that weight is given to both consideration of the surrounding properties on the same street and block as the development site but also of a wider area within the neighbourhood, would allow a better understanding of the prevailing neighbourhood character to be taken into account in the review of development projects in established neighbourhoods.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. OPA 320 has been appealed in its entirety to the Ontario Municipal Board. As a result, OPA 320 policies are relevant but not determinative in terms of the Official Plan policy framework, but inform the City's position on the proposed zoning amendment and also represent the Ministry approved policy on appropriate built form.

Council's decision and the staff report can be accessed at:  
[app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG8.5](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG8.5)

## **Heritage**

The site is located within the South Rosedale Heritage Conservation District (SRHCD), an area designated under Part V of the Ontario Heritage Act on February 7, 2003, and is subject to the policies contained in the SRHCD Study.

The dwellings at 21-25 and 29 Sherbourne Street North are listed as "unrated" buildings, the properties at 31 and 33 Sherbourne Street North are identified as "C-rated" buildings, and 27 Sherbourne Street North is identified as an "A-rated" building.

Section 5.3.3 of the SRHCD Study identifies guidelines for new buildings and alterations and additions to unrated buildings. New buildings should contribute to and not detract from the variety and heritage character of the District and be designed to be compatible with the heritage buildings in terms of scale, massing, height, setback and entry level. Additionally, the roof profile and eave line should be designed so that the height of the building is compatible with its neighbours and is not visually overwhelming to neighbouring buildings.

The guidelines for demolition in Section 5.3.4.C of the SRHCD Study state that demolition of an unrated building will generally be permissible if the replacement building, as shown in the building permit application, is acceptable under these guidelines and the zoning by-law.

## **Rental Housing Demolition and Conversion**

The Rental Housing Demolition and Conversion By-law (885-2007), contained in Chapter 667 of the City's Municipal Code, implements the City's Official Plan policies protecting rental housing. The By-law prohibits demolition or conversion of rental housing units without obtaining a permit from the City issued under Section 111 of the *City of Toronto Act, 2006*.

Proposals involving rental housing units where there is a related zoning by-law amendment application require a decision by City Council. Council may refuse an application or approve the demolition with conditions that must be satisfied before a demolition permit is issued. Council approval of demolition under Section 33 of the *Planning Act* may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where a zoning by-law amendment application triggers an application under Chapter 667 for rental demolition or conversion, typically City Council considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the OMB.

A Rental Housing Demolition and Conversion Application under Section 111 of the *City of Toronto Act* has been submitted to permit the removal of three existing rental dwelling units.

## **Zoning**

The site is zoned Residential, R1 Z0.6, which permits residential buildings in the form of detached houses, parks, schools, places of worship, and house occupations. The permitted density is 0.6 times the area of the lot and the maximum building height is 10.0 metres.

See Attachment No. 7 for the Zoning By-law 438-86 map.

## **Site Plan Control**

The application is subject to Site Plan Control. An application for Site Plan Control (File No. 17 112385 STE 27 SA) was submitted on February 2, 2017 and is being reviewed concurrently with the zoning amendment application.

## **Reasons for Application**

An application to amend the zoning by-law is required to permit the use of a multi-unit residential building, the building depth, density, and height proposed by the applicant. Other areas of non-compliance, such as building depths and setbacks have also been identified.

A Rental Housing Demolition and Conversion application is required to permit the demolition of 3 rental dwelling units per Municipal Code Chapter 667.

City Council approval is also required for the alterations to the "C-rated" buildings at 31 and 33 Sherbourne Street North, the demolition of the "unrated" building at 29 Sherbourne Street North, and the construction of the new 3-storey dwelling at 29 Sherbourne Street North.

## **Community Consultation**

City Planning staff, in consultation with the Ward Councillor, hosted a community consultation meeting on September 10, 2013 at St. Peter & St. Simon-the-Apostle Anglican Church (525 Bloor Street East) to discuss the proposed development and zoning amendment. The meeting was attended by approximately 30 residents. City Planning staff, including Heritage Preservation Services and Community Policy – Housing, and the applicant presented the existing planning framework and an overview of the application. Following the presentations, City staff invited the community to share its comments during a town hall style question and answer period.

At the meeting a variety of concerns were raised, including:

- Risk of stormwater diversion and basement flooding on adjacent properties as a result of the large underground garage;
- Garbage storage and pickup;
- Setting a precedent for future underground garages;
- Details on the construction period including daily hours of construction and overall length of construction;
- Rear yard setbacks;
- Tree injury and removal;
- Lighting;
- Quality of materials;
- Impacts to adjacent properties; and
- Traffic from construction vehicles.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

City Planning staff has reviewed the proposed zoning amendment with the PPS and Growth Plan for the Greater Golden Horseshoe. The proposed zoning amendment is consistent with the PPS. The proposed zoning amendment conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

### **Land Use**

For the purposes of zoning, the proposal is classified as a series of detached and semi-detached dwellings on one development site. Each building will maintain separate ownership but will have access to a shared below-grade garage and portions of the

outdoor amenity area. While semi-detached dwellings are not permitted building types in the R1 district of the Zoning By-law, they are permitted within lands designated as *Neighbourhoods* in the Official Plan and the surrounding area is comprised of a variety of building types including semi-detached and apartment buildings. The proposed development will continue to look like a series of detached structures above grade and will fit harmoniously with the existing context. Planning staff is satisfied that the proposed residential uses are acceptable.

### **Height, Density and Massing**

The subject site is located within lands designated as *Neighbourhoods* in the Official Plan as well as the South Rosedale Heritage Conservation District. *Neighbourhoods* generally permit up to 4-storeys, however, new development is required to respect and reinforce the existing physical character of the neighbourhood with respect to height, massing and scale.

The height of the new building at 29 Sherbourne Street North at 10.3 metres will be only slightly taller than the maximum permitted 10 metre building height regulated in the Zoning By-law. The third storey of the building will be constructed within a sloped roof with dormers. Both the overall building height and eaves height of the building were designed to be lower than the existing "A-rated" heritage building at 27 Sherbourne Street North.

The building will have a front lot line setback of 27.5 metres from Sherbourne Street North, which will allow for a large landscaped courtyard to act as outdoor amenity and pathway connections for all dwelling units, and will re-establish the appearance of the historic side yard for the existing "A-rated" heritage building at 27 Sherbourne Street North. Planning staff are satisfied with the proposed building siting and will continue to work with the applicant during the Site Plan Control process on appropriate landscaping of the courtyard.

The 3-storey rear addition to 31 Sherbourne Street North will be constructed in line with the existing side walls and will result in an overall building depth of 25.4 metres. The addition will match the height of the maintained portion of the dwelling at 9.8 metres measured to the midpoint between the eaves and top of the sloped roof.

The 2-storey rear addition to 33 Sherbourne Street North will be constructed in line with the existing side walls and will result in an overall building depth of 19.0 metres. The addition will be 8.5 metres in height, less than the 11.6 metre height of the maintained portion of the dwelling.

No substantial changes are proposed to the built form at 21-25, 27 and 35 Sherbourne Street North or the coach house at 31 Sherbourne Street North.

The overall site density of 0.68 times the area of lot is only slightly more than the maximum permitted gross floor area regulated in the Zoning By-law, 0.6 times the area of the lot, and within the range of recent Committee of Adjustment Minor Variance approvals.

The proposed heights and density are acceptable as the development will fit within the existing and planned context of South Rosedale.

### **Heritage Preservation**

The properties included in this application are designated under Part V of the Ontario Heritage Act as being within the South Rosedale Conservation District. A Heritage Impact Assessment (HIA) prepared by ERA Architects Inc, dated September 7, 2017 addressing the demolition of the "unrated" building at 29 Sherbourne Street North, the alterations of the two "C-rated" buildings at 31 and 33 Sherbourne Street North, and a conservation plan for the site was submitted for staff review. Heritage Preservation Services staff have reviewed the plans and reports and are supportive of the proposed development.

### **Rental Housing**

A Rental Housing Demolition Application under Chapter 667, pursuant to Section 111 of the City of Toronto Act, was filed on February 23, 2013. Three rental dwelling units are proposed to be demolished in order to accommodate the proposed changes to this related group of buildings. The rear addition to 31 Sherbourne Street North would require the demolition of two rental dwelling units, and the proposal to create two dwelling units at 29 Sherbourne Street North would require the demolition of one existing rental dwelling unit.

The Official Plan policies contained in Section 3.2.1 requiring replacement of rental housing do not apply to this application. The rental dwelling units proposed to be demolished are not required to be replaced because less than six rental dwelling units are affected by the proposal and all of the units have rents which exceeded "mid-range rents" at the time of application (more than one and a half times average market rent by unit type, as reported annually by Canada Mortgage and Housing Corporation).

Should demolition be approved, the applicant would be required to provide affected tenants the rights and compensation provided for under Ontario's *Residential Tenancies Act*. Under the *Residential Tenancies Act*, tenants being evicted for repairs or renovation must be given the right of first refusal to return to a renovated unit. The right to return should be at the lawful rent that could have been charged had there been no interruption of the tenancy, as long as the tenant is in good standing and the tenant provides written notice of their intent to return.

The applicant has identified that of the 12 dwelling units that would exist after the proposed development, 10 would be rental.

### **Access, Parking, Loading**

The site currently contains 17 parking spaces, mostly located in the rear yards of 21-25 & 27, 29, 31, and 33 Sherbourne Street North. 11 parking spaces are provided within detached garages or coach houses and 6 spaces are provided as surface parking pads. 2 of the parking pads are located in the front yard of 21-25 & 27 Sherbourne Street North.

The proposal will remove all at-grade parking and will consolidate parking requirements within a shared one-level below-grade garage. The parking garage will accommodate 23 resident parking spaces for the 12 dwelling units and 1 visitor parking space. 2 spaces will be provided for each of the 11 units with two or more bedrooms and 1 space will be provided for the 1-bedroom unit located at 25 Sherbourne Street North. The proposed below-grade parking garage has been designed with direct access from the detached houses at 33 and 35 Sherbourne Street North, with the balance of the dwelling units on site gaining access via two enclosed staircases incorporated into the design of the new building. Access for all residents is secured through a common element condominium. Transportation Services staff have reviewed the revised plans and Parking Review and determined that the number, dimensions, and general layout of the parking spaces are acceptable.

Vehicular access to the below-grade parking will be located within the side yards of 31 and 33 Sherbourne Street North. The access ramp will be exposed to the elements and have a slope of approximately 25%. Transportation Services staff have determined that this slope is acceptable provided the owner installs a heated ramp system to prevent ice and snow build-up.

10 bicycle parking spaces will be located in the shared central courtyard.

No on-site loading space will be provided.

## **Servicing**

The applicant submitted a Functional Servicing Report and a Stormwater Management Report, dated June 25, 2015 and revised on September 6, 2016, in support of the proposed development. Development Engineering staff have expressed a number of concerns with the analysis and assumptions made in the reports and requested revisions.

In light of the above, City staff recommend that the owner submits the above noted reports and plans for review and approval by Development Engineering staff, prior to the introduction of the necessary Bills at City Council. The required reports will not result in any revisions to the standards proposed in the draft Zoning By-law.

## **Solid Waste**

Municipal collection of waste materials for this development will take place curbside on Sherbourne Street North. Solid Waste Management will provide single-family, curbside collection services with shared bins for all residents to this development for garbage, recycling and organics, provided that the development is built in accordance with the "City of Toronto Requirements for Garbage and Recycling Collection from New Developments and Re-Developments" and Chapter 844, Solid Waste of the Municipal Code as amended from time to time.

Solid Waste staff is satisfied with the submitted drawings for this component and does not require any revisions.



## **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The subject site is in the lowest quintile of current provision of parkland. The site is not in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The application is proposing a total of 12 dwelling units and the consolidation of parking spaces into a shared below-grade garage.

As specified in Chapter 415, Article III of the Toronto Municipal Code, for development sites that are outside a Parkland Acquisition Priority Area, a dedication rate of 5% is applied to the residential use. Therefore, the total parkland dedication requirement is 216 square metres.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as a dedication of 216 square metres is not of a suitable size to develop a programmable park within the existing context of this development site. At the same time, the site does not abut an existing city park which could be expanded through this dedication. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

## **Tree Protection and Preservation**

An Arborist Report, prepared by Kelly's Tree Care Ltd., dated September 11, 2012 and last revised January 5, 2017, was submitted with the revised application.

As of March 28, 2016 (the Tree Inventory date contained within the Arborist Report), there were 22 trees located on private property either on or close to the subject site, and 4 trees within the City's right-of-way adjacent to the site along Sherbourne Street North. 4 of the 22 existing private trees are proposed to be removed, 2 of which require a permit. 5 private trees are proposed to be injured as a result of construction and require a permit. All 4 existing public trees are to be maintained.

Urban Forestry staff has reviewed the revised Arborist Report and landscape plan, and are satisfied with the recommendations.

## **Tenure**

10 of the 12 dwelling units will be rental. The detached dwellings at 33 and 35 Sherbourne Street North will be maintained as owner-occupied. A common element condominium application is required for 21-33 Sherbourne Street to allow access and use the shared underground garage, portions of the outdoor areas, and a storm water tank.

## **Conclusion**

City Planning is supportive of the proposed development and recommend that the application be approved subject to the conditions outlined in the Recommendations section of this report. The proposal maintains a large percentage of rental dwelling units, addresses heritage conservation in an acceptable manner, fits harmoniously with the existing physical character of Sherbourne Street North and South Rosedale, and represents good planning.

## **CONTACT**

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Rishab Mehan, Planner

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E-mail: rishab.mehan@toronto.ca

## **SIGNATURE**

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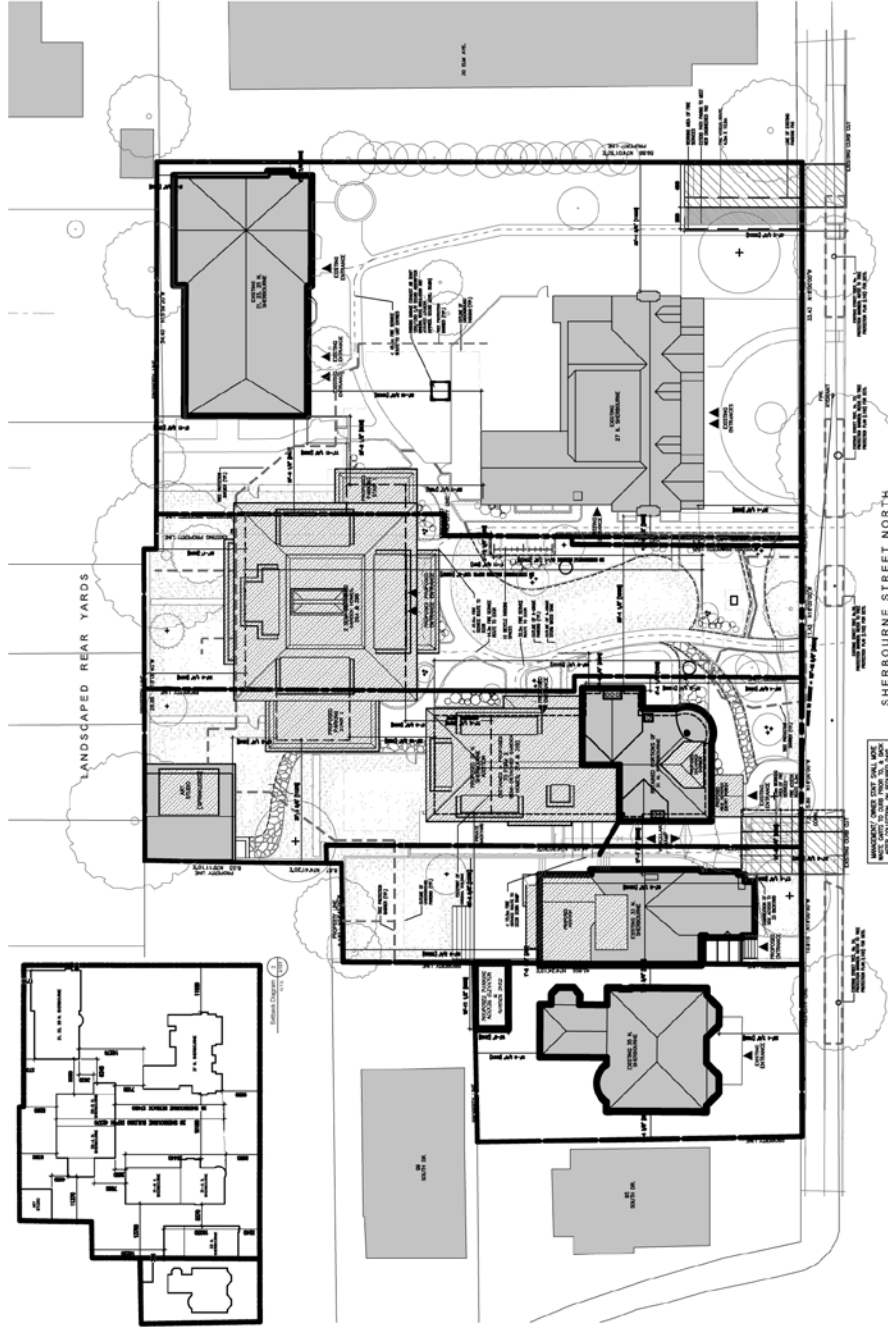
Lynda H. Macdonald  
Acting Director, Community Planning  
Toronto and East York District

(P:\2018\Cluster B\pln\TEYCC\20965261018.doc) - vc

## **ATTACHMENTS**

- Attachment 1: Site Plan
- Attachment 2: Elevations - 29 Sherbourne Street North (East) and 31 Sherbourne Street North (North)
- Attachment 3: Elevations - 29 & 31 Sherbourne Street North (South)
- Attachment 4: Elevations - 29 Sherbourne Street North & 21-35 Sherbourne Street North (North)
- Attachment 5: Elevations - 33 Sherbourne Street North (South, East, North & West)
- Attachment 6: 3D Rendering
- Attachment 7: Zoning
- Attachment 8: Application Data Sheet
- Attachment 9: Draft Zoning By-law Amendment

# Attachment 1: Site Plan



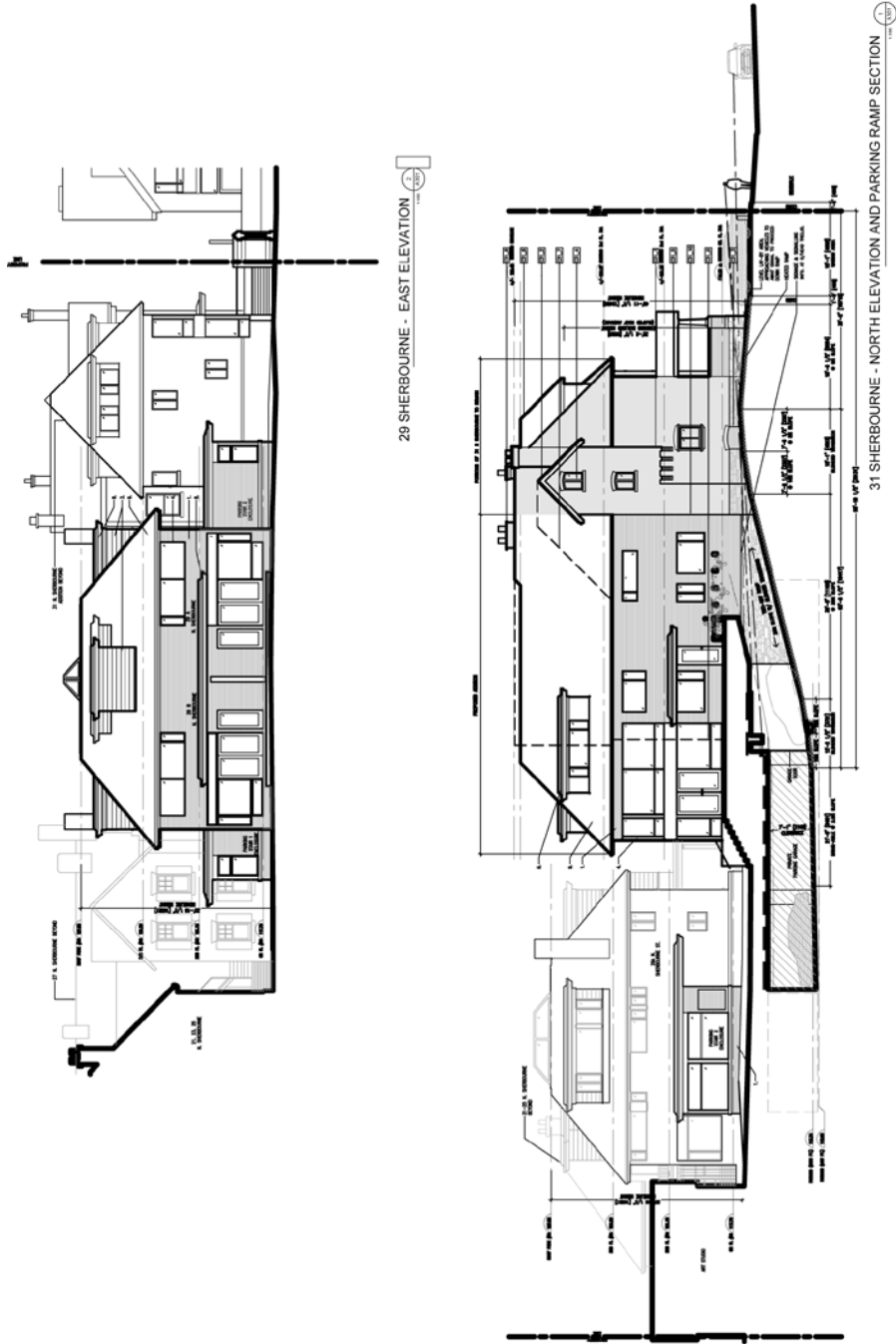
21-35 Sherbourne Street North

Site Plan  
Applicant's Submitted Drawing  
Not to Scale  
12/12/2017



File # 13 109447 STE 27 0Z

**Attachment 2: Elevations**  
**29 Sherbourne Street North (East) and 31 Sherbourne Street North (North)**



**21-35 Sherbourne Street North**

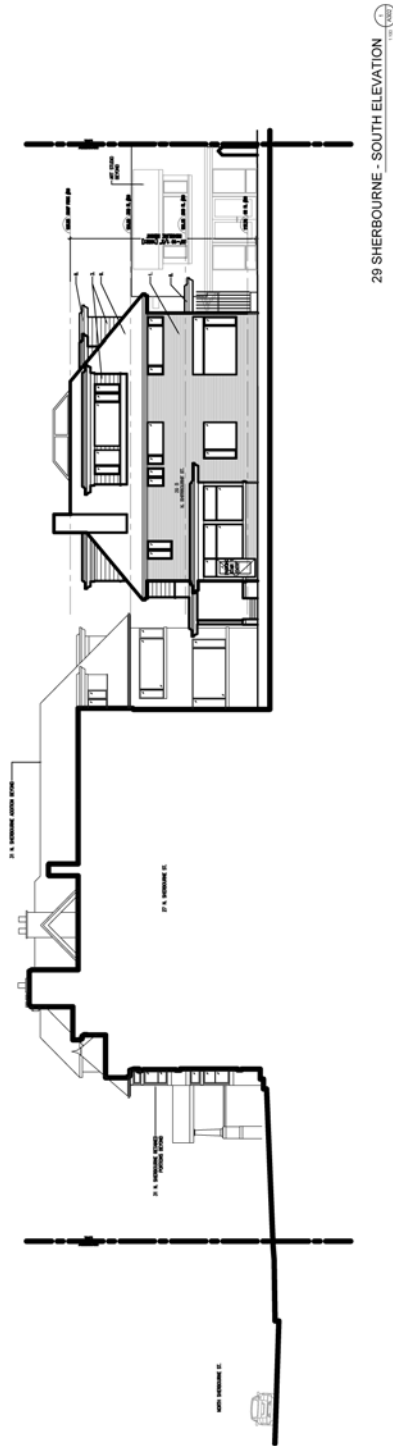
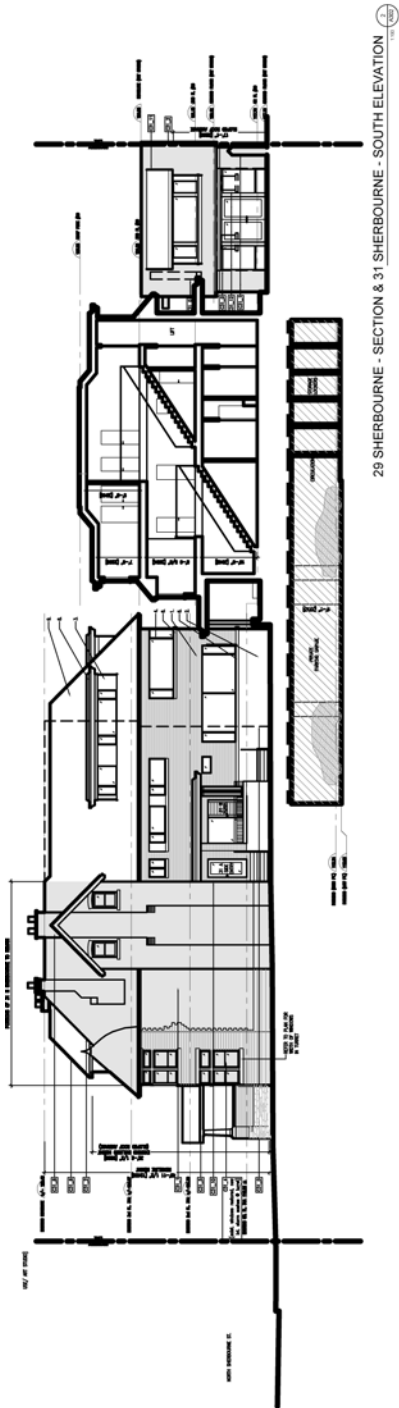
**North and East Elevations**

Applicant's Submitted Drawing

Not to Scale  
 12/12/2017

File # 13 109447 STE 27 0Z

**Attachment 3: Elevations  
29 & 31 Sherbourne Street North (South)**



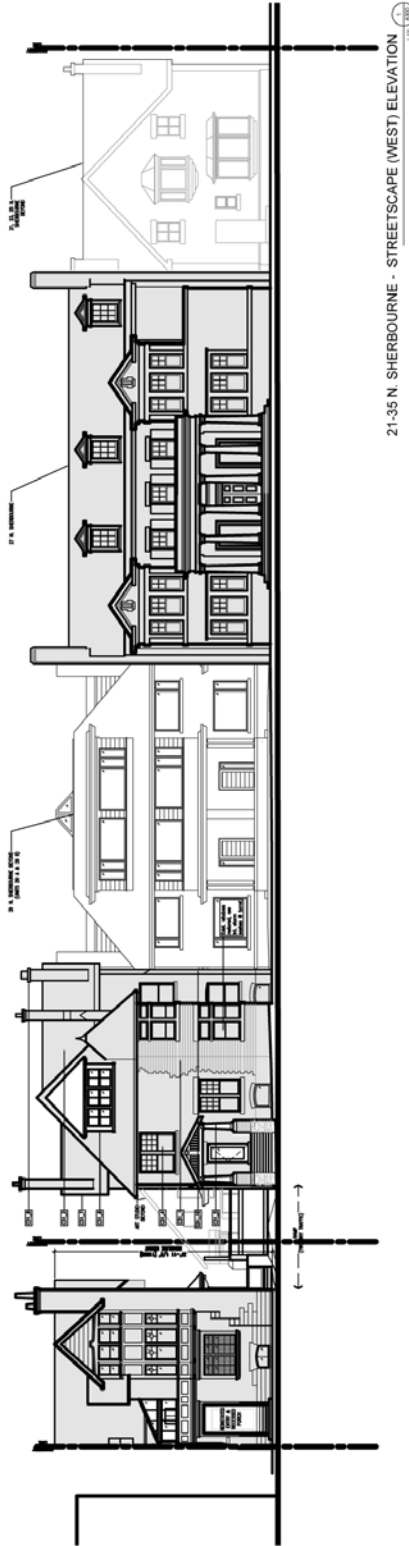
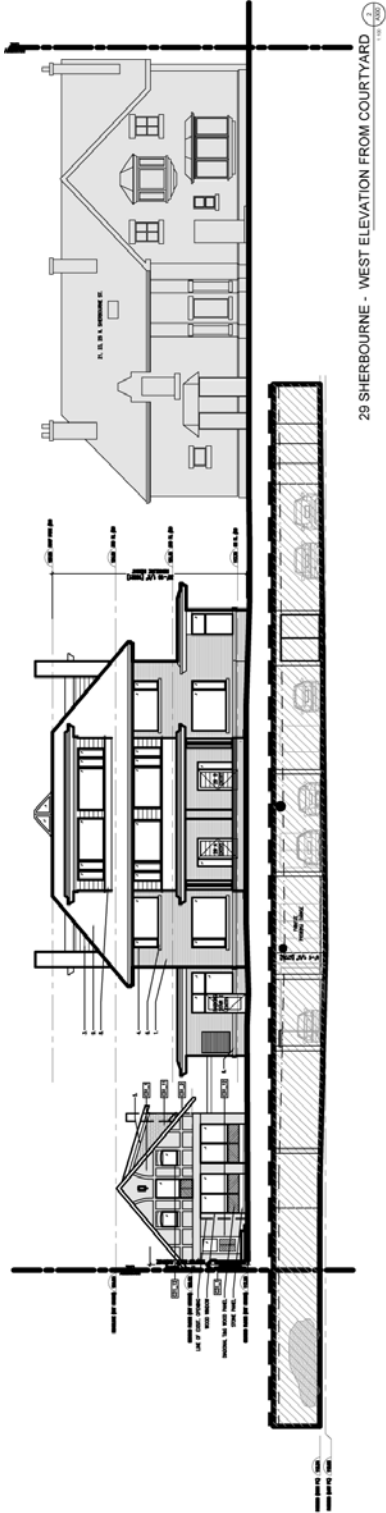
**South Elevations**  
Applicant's Submitted Drawing

Not to Scale  
12/12/2017

**21-35 Sherbourne Street North**

File # 13 109447 STE 27 0Z

**Attachment 4: Elevations**  
**29 Sherbourne Street North & 21-35 Sherbourne Street North (North)**



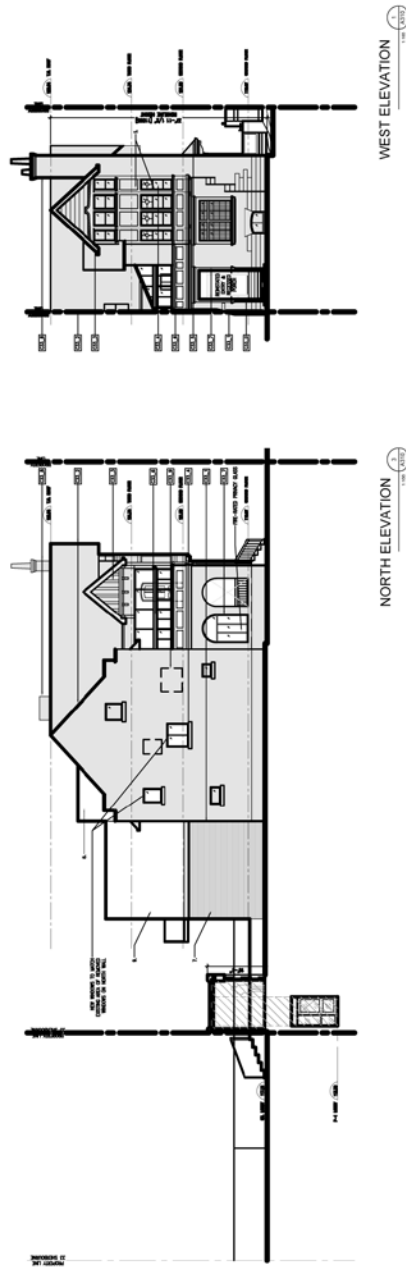
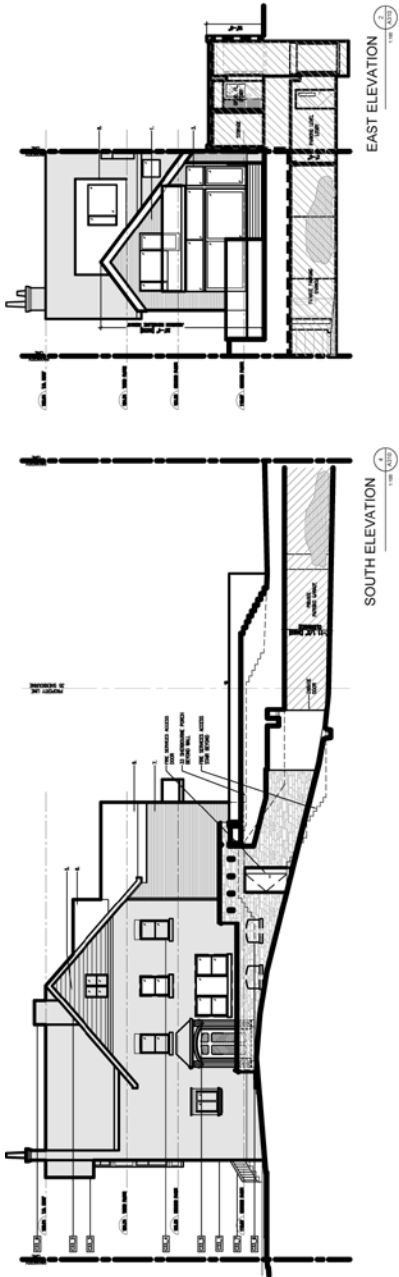
**21-35 Sherbourne Street North**

**West Elevations**  
Applicant's Submitted Drawing

Not to Scale  
12/12/2017

File # 13 109447 STE 27 0Z

**Attachment 5: Elevations**  
**33 Sherbourne Street North (South, East, North & West)**



**21-35 Sherbourne Street North**

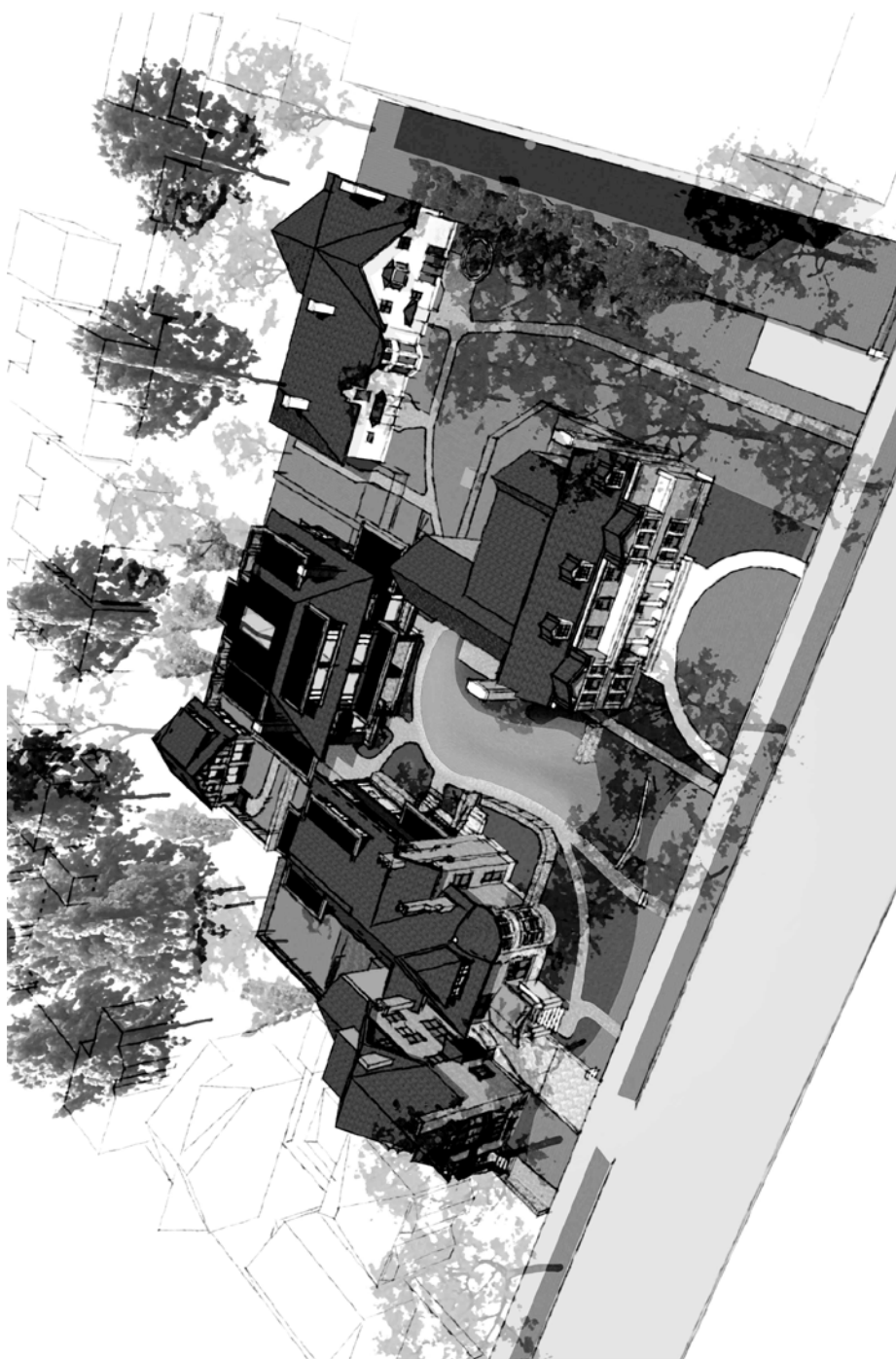
**North, South, East and West Elevations**

Applicant's Submitted Drawing

Not to Scale  
 12/12/2017

File # 13 109447 STE 27 0Z

**Attachment 6: 3D Rendering**



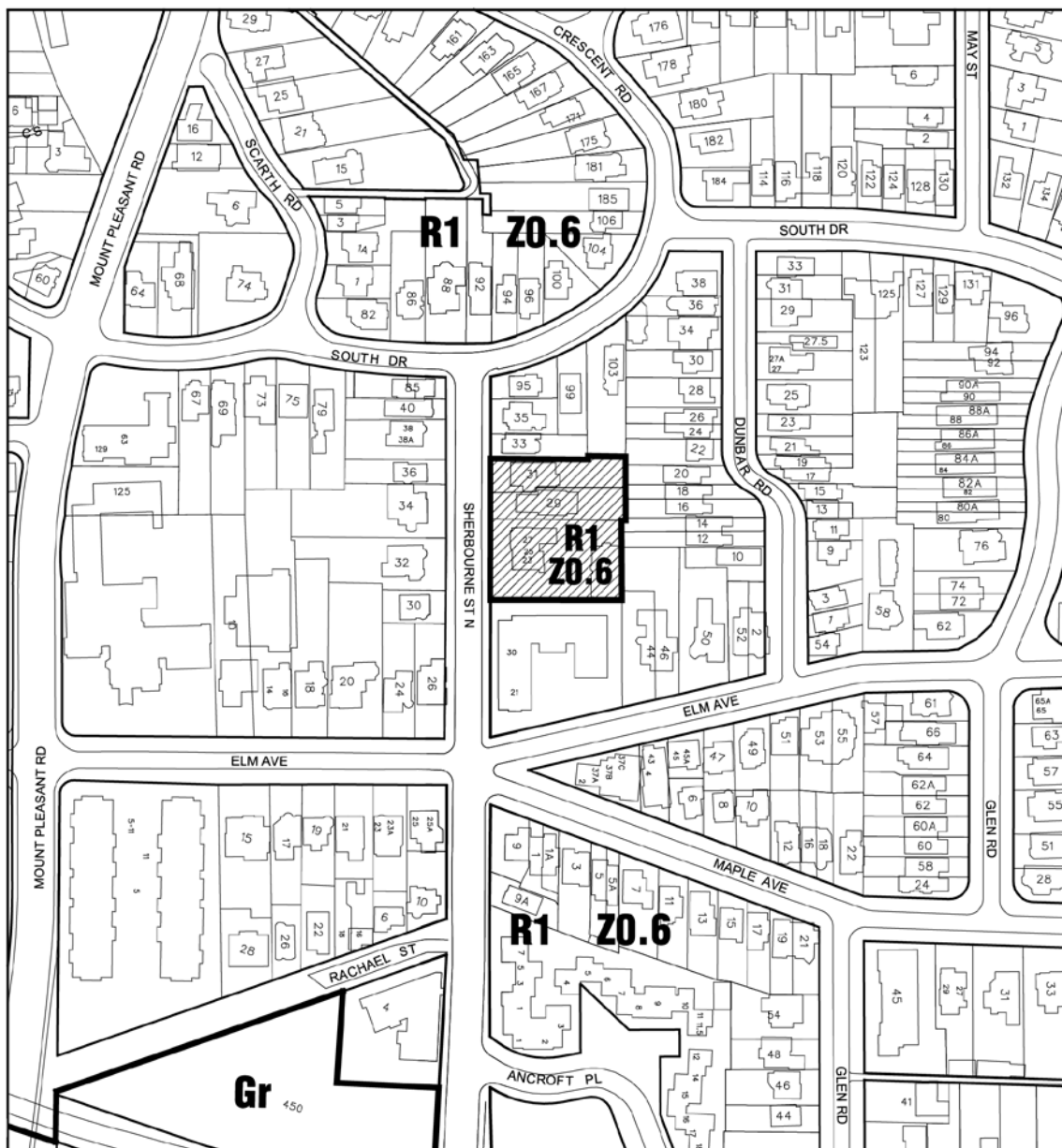
**Axonometric View**  
Applicant's Submitted Drawing  
Not to Scale  
12/12/2017

**21-35 Sherbourne Street North**

File # 13 109447 STE 27 02



## Attachment 7: Zoning




**TORONTO** City Planning  
**Zoning**

**21-35 Sherbourne Street North**

File # 13 109447 0Z

R1 Residential District  
 Gr Parks District

  
 Not to Scale  
 Zoning By-law 438-86 (as amended)  
 Extracted 04/09/2013

## Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	13 109447 STE 27 OZ
Details	Rezoning, Standard	Application Date:	January 22, 2013
Municipal Address:	21-35 SHERBOURNE STREET NORTH		
Location Description:	PLAN 329 PT LOTS 15 AND 16 RP 66R17602 PART 1 **GRID S2706		
Project Description:	To demolish the existing building at 29 Sherbourne Street North, the rear portions of 31 and 33 Sherbourne Street North, and five existing detached garages; to construct a new 3-storey residential building with two dwelling units at 29 Sherbourne Street North, rear additions to 31 Sherbourne Street North and 33 Sherbourne Street North, and a shared one-storey below-grade garage with 24 parking spaces; and to convert an existing coach house at 31 Sherbourne Street North into studio space.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
O SHANTER DEVELOPMENT COMPANY LTD	O SHANTER DEVELOPMENT COMPANY LTD	JAMES IRELAND ARCHITECT INC. & ERA ARCHITECTS INC.	WILLIAM KREHM

### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	N
Zoning:	R1 Z0.6	Historical Status:	Y
Height Limit (m):	10	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	4327	Height:	Storeys:	3
Frontage (m):	74		Metres:	9.8
Depth (m):	60			
Total Ground Floor Area (sq. m):	1269			<b>Total</b>
Total Residential GFA (sq. m):	2924		Parking Spaces:	24
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	2924			
Lot Coverage Ratio (%):	29			
Floor Space Index:	0.68			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental, Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	2924	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	1	Office GFA (sq. m):	0	0
2 Bedroom:	1	Industrial GFA (sq. m):	0	0
3 + Bedroom:	10	Institutional/Other GFA (sq. m):	0	0
Total Units:	12			

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Kevin Friedrich, Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 338-5740</b>
	<b>EMAIL:</b>	<b>Kevin.Friedrich@toronto.ca</b>

**Attachment 9: Draft Zoning By-law Amendment**

**To be available at the January 16, 2018 Toronto East York  
Community Consultation meeting**