

**21- 35 Sherbourne Street North, Zoning Amendment  
Application - Preliminary Report**

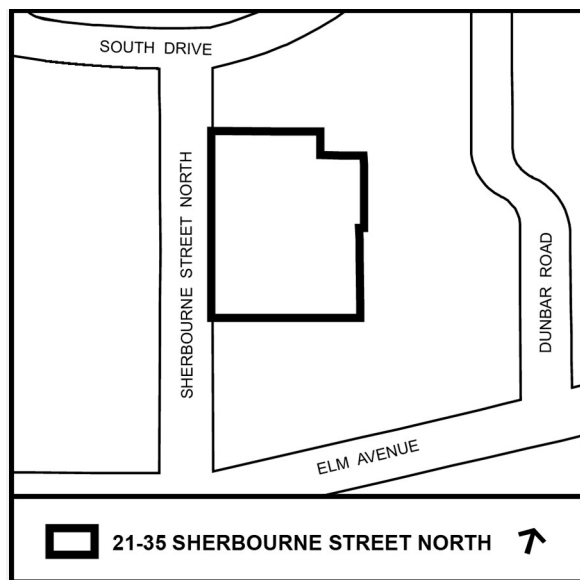
<b>Date:</b>	April 3, 2013
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	13 109447 STE 27 OZ

**SUMMARY**

This application proposes to demolish the existing dwelling at 29 Sherbourne Street North, the rear portions of 31 and 33 Sherbourne Street North, and five existing detached garages to construct a three-storey L-shaped rear addition to 31 Sherbourne Street North and a rear addition to 33 Sherbourne Street North. The proposal includes consolidating on-site parking within a below-grade garage, and the conversion of an existing coach house into studio space. As the proposal involves a related group of buildings with 6 or more rental units, the applicant has also submitted a rental housing demolition application under Section 111 of the City of Toronto Act.

This report provides preliminary information on the above-noted application and seeks Community Council’s directions on further processing of the application and on the community consultation process.

Staff recommend that a community consultation meeting be scheduled for July of 2013. Staff anticipate submitting a final report on the application to Community Council in the fourth quarter of 2013. These target dates assumes that the applicant will provide all required information in a timely manner.



## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. Staff be directed to schedule a community consultation meeting for the lands at 21-35 Sherbourne Street North together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **Pre-Application Consultation**

A pre-application consultation meeting was held with the applicant on April 3, 2012, to discuss the proposal as well as complete application submission requirements. Among other issues discussed, Staff expressed concerns with the proposed driveway slope of the below-grade garage.

## **ISSUE BACKGROUND**

### **Proposal**

The site is currently occupied by six detached residential dwellings at 21-35 Sherbourne Street North. 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.

The applicant has submitted a Zoning By-law Amendment application which proposes to demolish 29 Sherbourne Street North in its entirety, as well as the rear portion of 31 Sherbourne Street North to construct a three-storey L-shaped addition at the rear of 29-31 Sherbourne Street North. The proposed rear addition is approximately 10.8 metres in height, 44 metres in depth and will provide an 11.6 metre rear yard setback from the properties to the rear. The rear portion of 33 Sherbourne Street North will be demolished and replaced with a new rear addition. The property currently supports eleven residential units of which five are owner-occupied. The proposal seeks to redevelop four of the existing units, of which three are rental, into larger rental units.

The proposal includes the demolition of five detached parking structures and will consolidate the required on-site parking within a 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 26 residential parking spaces, including parking for 35 Sherbourne Street North, lockers and a garbage and recycling storage area. The existing structure in the rear of 35 Sherbourne Street North will be reconfigured to facilitate an elevator to connect with the below-grade parking garage.

The existing 1.5-storey coach house located at the rear of 33 Sherbourne Street North, presently used as parking at-grade and studio space above, is to be retained and used solely for studio space. At the centre of the proposed development is a landscaped courtyard.

The proposal will result in a modest rear addition to 33 Sherbourne Street North, a rear L-shape addition to 31-29 Sherbourne Street North, a coach house exclusively used for studio space and a below-grade garage to accommodate all parking.

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 dwellings at 21, 23, 25, 29 and the coach house at the rear of 31 Sherbourne Street North are listed as "unrated" buildings, 31 and 33 are identified as "C" rated buildings and 27 Sherbourne Street North is identified as an "A" rated building.

## **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. 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 residential dwellings comprising eleven residential units, of which 6 are rental, a coach house and five detached garages.

Within the immediate context, the following uses surround the site:

**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, and adjacent on Elm Avenue are 2 and 3-storey detached dwellings.

**East:** to the east are rear yards of detached residential dwellings at 10- 22 Dunbar Road and 99-103 South Drive, all of which range from 2 and 3-storeys in height.

**West:** to the west are detached residential dwellings ranging from 2 and 3-storeys in height.

**North:** to the north are detached residential dwellings ranging from 2 and 3-storeys in height.

## Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

## Official Plan

The subject property is designated *Neighbourhoods* in the Official Plan. *Neighbourhoods* are physically stable areas providing for a variety of lower scale residential uses. The stability of the physical character of *Neighbourhoods* is one of the keys to Toronto's success. Policies and development criteria aim to ensure that physical changes to established neighbourhoods are sensitive, gradual and generally "fit" the existing physical character. Development criteria in Section 4.1.5 of the Official Plan states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) size and configuration of lots;
- c) heights, 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 landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
- h) conservation of heritage buildings, structures and landscapes.

Section 4.1.5 of the Official Plan 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*.

Sherbourne Street North is identified as a major street on Map 3 of the Official Plan. The intensification of properties on major streets within *Neighbourhoods* is not encouraged by the Official Plan policies. Where a more intense form of residential development than that permitted by the existing zoning on a major street in a *Neighbourhoods* designation

is proposed, the application will be reviewed in accordance with Policy 4.1.5, having regard to both the form of development along the street and its relationship to adjacent development in the residential neighbourhood.

The Official Plan also contains policies addressing the need to preserve and increase the City's supply of rental and affordable housing. Policy 3.2.1 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 3.2.1.5 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.

The Toronto Official Plan is available on the City's website at:  
[www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm)

## **Zoning**

The site is zoned R1 which permits detached residential dwellings at a density of 0.6 times the area of the lot. The height permission for the site is 10 metres. Structures in this zone shall have a maximum building depth of 14 metres and a rear yard setback of 7.5 metres. Refer to Attachment 3.

## **Site Plan Control**

The application is subject to Site Plan Control. An application for Site Plan Control has not been submitted to date.

## **Heritage Preservation**

The site has been designated under Part V of the Ontario Heritage Act as being within the South Rosedale Conservation District. A Heritage Impact Assessment (HIA) prepared by E.R.A. Architects Inc. dated July 30, 2012 has been submitted for staff review.

## **Rental Housing Demolition and Conversion By-Law**

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 six or more rental housing units or where there is a related application for a Zoning By-law amendment 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 an application for rezoning 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.

The applicant has submitted an application for a Section 111 permit under Chapter 667 of the City of Toronto Municipal Code for the demolition of the 3 rental units. The rents for all of the rental units in the related group of buildings exceeded mid-range rents (more than one and a half times average market rent) at the time of application and no replacement is required under Official Plan policy 3.2.1.6. However, the applicant is proposing at this time to replace the 3 units being demolished.

### **Tree Preservation**

An arborist report has been provided by Kelly's Tree Care dated September 11, 2012. It indicates that there are thirty-three existing trees on site. This report is under review by City Forestry staff.

### **Reasons for the Application**

A rezoning application is required to permit the use of a multi-unit residential building, the building depth, density and height proposed by the applicant. Additional areas of non-compliance with the Zoning By-law will be assessed as the review of the application advances. A Section 111 permit is required to demolish the existing rental units.

## **COMMENTS**

### **Application Submission**

The following reports/studies were submitted with the application:

- Planning Rational Report, including Housing Issues Discussion
- Heritage Impact Statement
- Stage 1 & 2 Archaeological Study
- Stormwater Management Plan Report
- Arborist Report/Tree Preservation Plan

A Notification of Complete Application was issued on March 20, 2013.

## Issues to be Resolved

The application has been circulated to City divisions and public agencies for comment. Preliminary issues to be addressed include the following:

- Conformity with the Official Plan policies and development criteria for *Neighbourhoods*
- Appropriateness of the proposed siting of the built form and massing;
- Compatibility of the proposal with surrounding land uses;
- The appropriateness of the proposed below-grade garage;
- Landscaping and lighting features;
- Solid waste matters;
- Upgrades to the existing rental amenities;
- Satisfactory tenant assistance and tenant communication plan;
- Heritage impacts of the demolition of the building within the Heritage Conservation District.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

## CONTACT

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## SIGNATURE

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Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: Elevations – 21-35 North Sherbourne St & 31 north Sherbourne St

Attachment 3: Elevations – 31 North Sherbourne St – North & East

Attachment 4: Elevations - South Courtyard & South Elevation

Attachment 5: Elevations - 33 North Sherbourne St

Attachment 6: Zoning

Attachment 7: Application Data Sheet



# Attachment 1: Site Plan



**Site Plan**

**Applicant's Submitted Drawing**

Not to Scale  
04/09/2013

File # 13 109447 0Z

**Attachment 2: Elevations – 21-35 North Sherbourne St & 31 North Sherbourne West at Courtyard**



**21-35 North Sherbourne Street Elevation**



**31 North Sherbourne Street - West Elevation at Courtyard**

**Elevations**

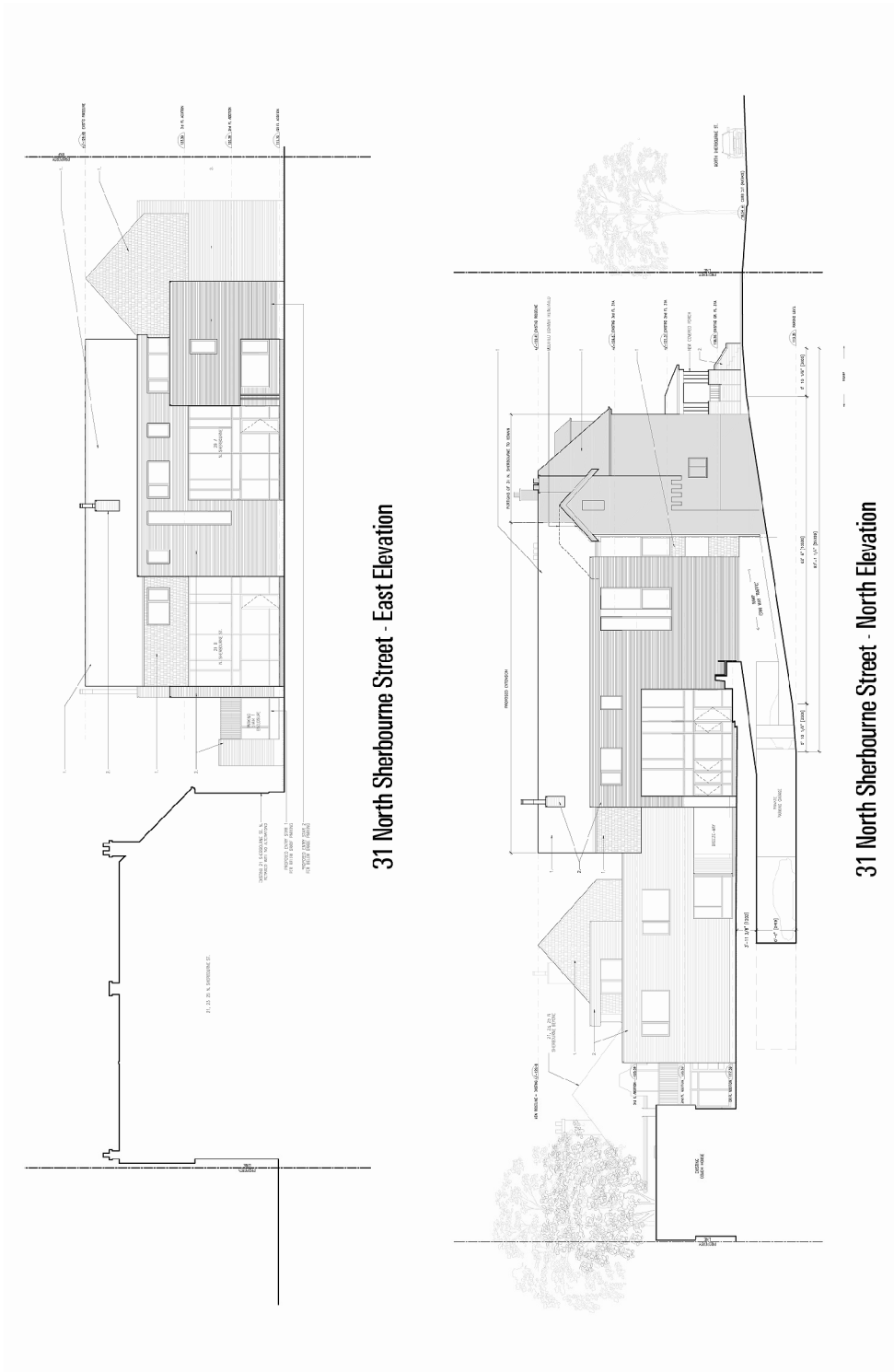
Applicant's Submitted Drawing

Not to Scale  
04/09/2013

**21-35 Sherbourne Street North**

File # 13 109447 0Z

**Attachment 3: Elevations – 31 North Sherbourne St - East & North**



**31 North Sherbourne Street - East Elevation**

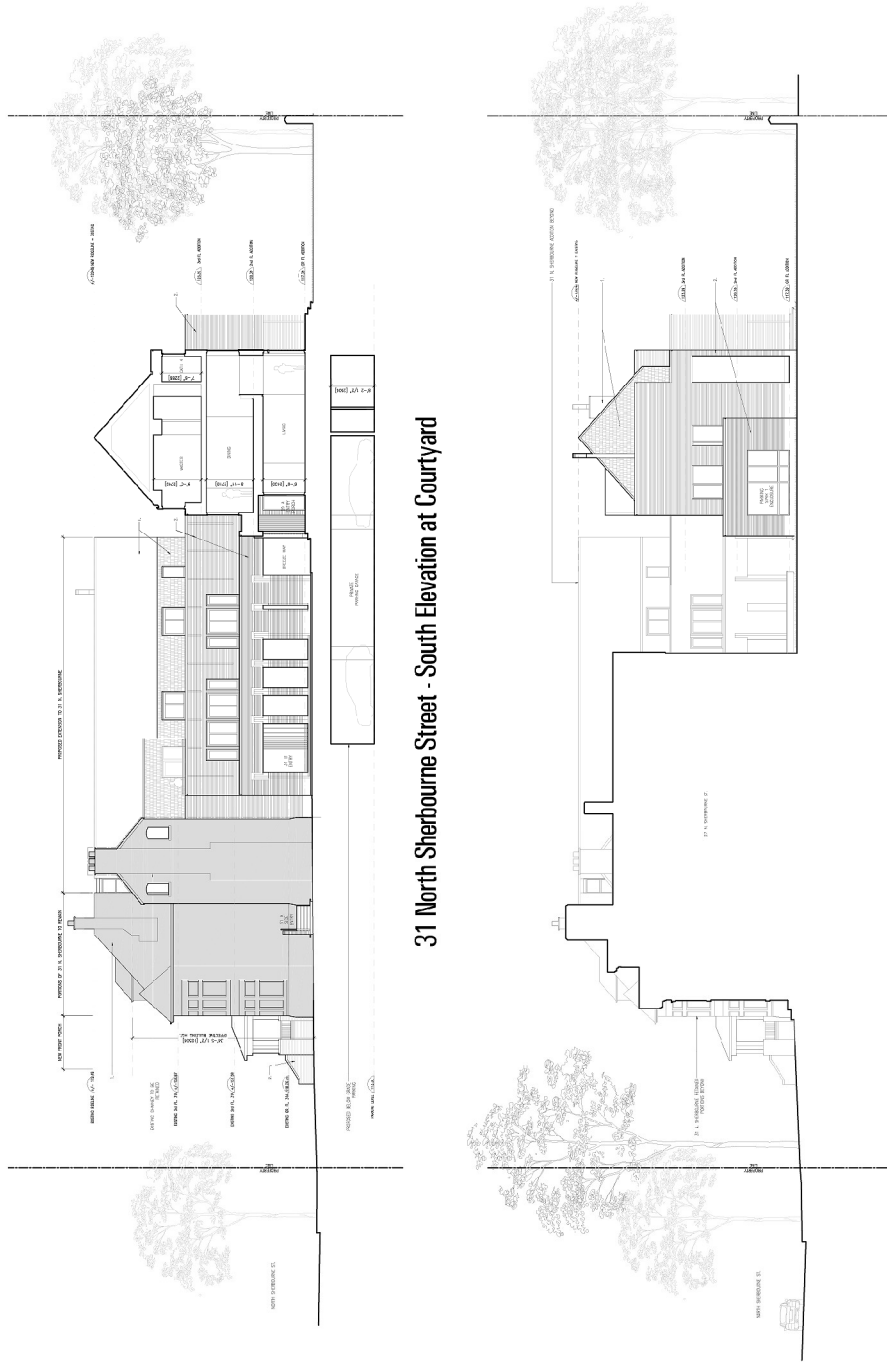
**31 North Sherbourne Street - North Elevation**

**21-35 Sherbourne Street North**

**Elevations**  
 Applicant's Submitted Drawing  
 Not to Scale  
 04/09/2013

File # 13 109447 0Z

**Attachment 4: Elevations – South Courtyard & South Elevation**



**31 North Sherbourne Street - South Elevation at Courtyard**

**31 North Sherbourne Street - South Elevation**

**Elevations**

Applicant's Submitted Drawing

Not to Scale  
04/09/2013

**21-35 Sherbourne Street North**

File # 13 109447 0Z

**Attachment 5: Elevations – 33 North Sherbourne St**



33 North Sherbourne Street - West Elevation

**21 - 35 Sherbourne Street North**

File # 13 109447 0Z



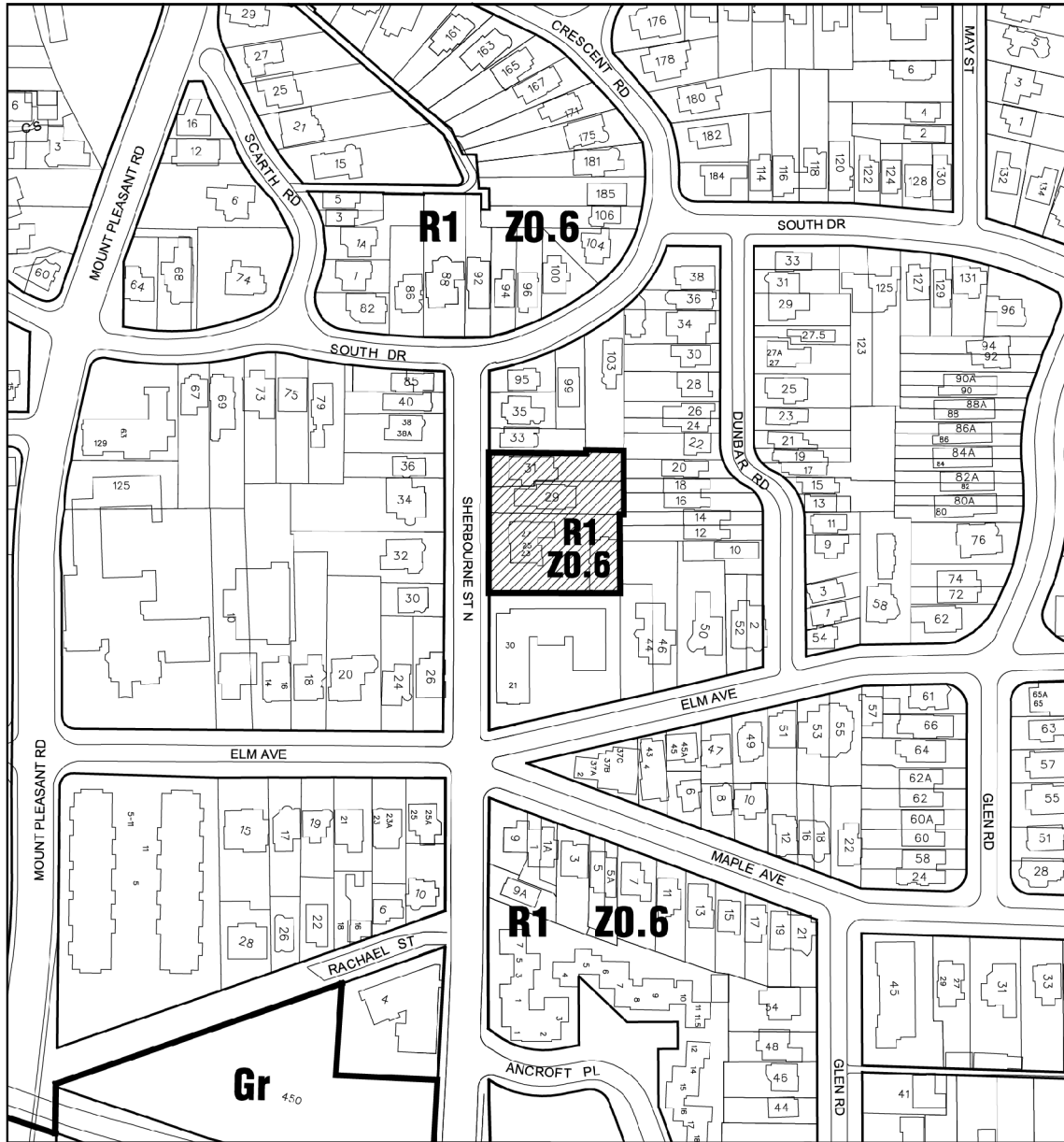
33 North Sherbourne Street - North Elevation

**Elevations**

Applicant's Submitted Drawing

Not to Scale  
04/09/2013

## Attachment 6: 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 7: Data Sheet

Application Type	Rezoning	Application Number:	13 109447 STE 27 OZ
Details	Rezoning, Standard	Application Date:	January 22, 2013
Municipal Address:	31 SHERBOURNE ST N		
Location Description:	PLAN 329 PT LOTS 15 AND 16 RP 66R17602 PART 1 **GRID S2706		
Project Description:	21-33 SHERBOURNE ST N - Demolish existing garages and replace with 1 sty below grade parking facility (private). 27 & 21-25 SHERBOURNE ST N - No change to existing structures/dwellings. 29 & 31 SHERBOURNE ST N - Demolish single family dwelling at # 29, partially demolish existing 3 unit dwelling at # 31 (4 units removed in total), and replace with 4 semi-detached dwelling units (no change in # of dwelling units). 33 SHERBOURNE ST N - small rear addition to existing structure. 35 SHERBOURNE ST N - Small existing accessory structure reconfigured to include below grade parking access to private facility on 21-33 SHERBOURNE ST N. See PPR's under 31, 33, & 35 SHERBOURNE ST N.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
O SHANTER DEVELOPMENT COMPANY LTD			WILLIAM KREHM

### PLANNING CONTROLS

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

### PROJECT INFORMATION

Site Area (sq. m):	4820	Height:	Storeys:	3	
Frontage (m):	74		Metres:	11.3	
Depth (m):	60				
Total Ground Floor Area (sq. m):	1436				<b>Total</b>
Total Residential GFA (sq. m):	3269		Parking Spaces:	26	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	2709				
Lot Coverage Ratio (%):	29.8				
Floor Space Index:	56.2				

### DWELLING UNITS

Tenure Type:	Rental
Rooms:	0
Bachelor:	0
1 Bedroom:	1
2 Bedroom:	3
3 + Bedroom:	6
Total Units:	10

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	3269	0	0
Retail GFA (sq. m):	0	0	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Jennifer Renaud, Assistant Planner</b>
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