



STAFF REPORT ACTION REQUIRED

307 Sherbourne Street - Official Plan Amendment, Zoning Amendment Applications - Request for Direction Report

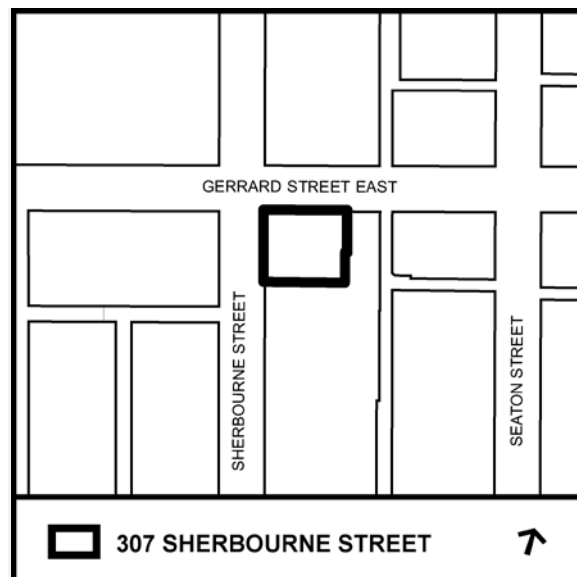
Date:	August 9, 2017
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	15-147462 STE 28 OZ and 17-144959 STE 28 OZ

SUMMARY

This application proposes to redevelop the site at 307 Sherbourne Street with a 14-storey residential building containing 93 dwelling units, 41 vehicular parking spaces and 94 bicycle parking spaces. The proposed building height is 46.8 metres including mechanical equipment. The development will have a total of 7,192.2 m² of gross floor area.

The owner of the site at 307 Sherbourne Street has appealed its Zoning By-law Amendment application to the Ontario Municipal Board (OMB) citing Council's failure to make a decision within the time required by the *Planning Act*. A pre-hearing conference has been scheduled for September 13, 2017. A full hearing has not yet been scheduled.

The proposal is not supportable in its current form. The height of the proposed 14-storey tower is not appropriate as it shadows Allan Gardens and does not provide an appropriate height transition to the adjacent *Neighbourhoods* to the south. As such, the application is not consistent with the PPS, does not conform with the Official Plan or the emerging official plan policy set out in Official Plan Amendment 82 and does not satisfactorily respond to the relevant urban



design guidelines.

The purpose of this report is to seek City Council's direction for the City Solicitor and appropriate City Staff to attend the Ontario Municipal Board hearing in opposition to the applicant's development proposal and appeal.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff to attend the Ontario Municipal Board hearing to oppose the appeal of the Zoning By-law Amendment application for 307 Sherbourne Street and to retain such outside experts as the City Solicitor may determine are required to support the position outlined in this report.
2. City Council authorize City staff to continue discussions with the applicant in order to come to an agreement on an appropriate built form that, among other things, ensures the tower does not shadow Allan Gardens, during the key hours of 10:00-6:00 pm March/September 21, to the satisfaction of the Chief Planner and Executive Director, City Planning.
3. City Council direct the City Solicitor to request the OMB, in the event the OMB allows the appeal and permits additional height or density, or some variation, to:
 - a) Secure the following in any amending by-laws and in a Section 37 Agreement to support the development:
 - i. The Owner submit a revised Functional Servicing and Stormwater Management Report all satisfactory to the City's Chief Engineer and Executive Director of Engineering and Construction Services, and that the Owner be required to pay for and construct any improvements to the municipal infrastructure in connection with such reports as accepted by the City's Chief Engineer and Executive Director of Engineering and Construction Services should the Chief Engineer determine that improvements to such infrastructure are required to support the development all to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services; and
 - b) Withhold its Order allowing the appeal in whole or in part allowing the Zoning By-law Amendment until:
 - i. The OMB has been provided with the final form of the proposed Zoning By-law Amendment by the City Solicitor together with confirmation the proposed Zoning By-law Amendments are in a form satisfactory to the parties;

- ii. The OMB has been advised by the City Solicitor that a revised Functional Servicing and Stormwater Management Report have been completed and submitted to the City and accepted, all to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.
 - iii. The OMB has been advised by the City Solicitor that the Owner has entered into a financially secured agreement with the City securing that the Owner will pay for, construct, provide and make operational any improvements to the municipal infrastructure in connection with a Functional Servicing and Stormwater Management Report as accepted by the City's Chief Engineer and Executive Director, Engineering and Construction Services, should the Chief Engineer determine that improvements to such infrastructure are required to support the development; and
 - iv. The OMB has been advised by the City Solicitor that the Owner has entered into and satisfactorily registered a Section 37 Agreement with the City for the purpose of securing the matters in b) iii. above.
4. City Council authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to the recommendations of this report.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

A Preliminary Report on the application was considered by Toronto East York Community Council on September 8, 2015. Key issues identified in the Preliminary Report included:

- height and density of the proposal;
- built form and massing issues including, but not limited to: height, setbacks, stepbacks, sky views, light penetration, privacy, wind mitigation and pedestrian realm;
- shadow impacts on neighbouring parks and open space in the area;
- provision of parking, loading and bicycle parking;
- provision of high-quality public realm, landscape design and appropriate sidewalk widths;
- proposed mix of unit sizes and family-sized units;
- heritage adjacency issues; and
- adequacy of amenity areas proposed.

Community Council directed City Planning staff to schedule a community consultation meeting with an expanded notice area and that notice for the public meeting be given according to the regulations of the *Planning Act*. The Preliminary Report is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE10.63>

The applicant appealed the application to the Ontario Municipal Board on March 10, 2017, Case Number PL170299.

ISSUE BACKGROUND

Proposal

The applicant is proposing a 14-storey residential tower (46.8 m including mechanical penthouse) containing 93 dwelling units with a total gross floor area of 7,192.2 m². The development would be in a tower podium form with multiple tower setbacks at varying levels. Amenity space would be located on the ground floor and floors 2 and 5. The ground floor would also include a loading/recycling area, 2 apartments, bicycle storage as well as the building lobby. Vehicular parking would be below grade. The primary pedestrian entrance for the building would be from Sherbourne Street. Projecting balconies are also proposed along the north face of the tower and portions of the south face. The proposed gross floor area would be 7192.2 m² which equates to a Floor Space Index of 5.47 under Zoning By-law 569-2013.

Other details of the proposal are shown in Table 1 below and in Attachment 4.

Table 1 – Summary of Application

Category	Proposed
Tower setbacks	
- west property line (Sherbourne)	3.3 m (Floor 5-10)
- east property line	5.4 m (Floor 5-14)
- north property line (Gerrard)	4.2 m (Floor 5-14)
- south property line	7.7 m (Floors 7-10)
Base (podium) setback at grade	
- west property line (Sherbourne)	2 m
- east property line	1.2 m
- north property line (Gerrard)	2.4 m
- south property line	6.7 m
Sidewalk/pedestrian realm width	
- west (Sherbourne)	6 m
- north (Gerrard)	6 m
Tower floorplate (approximate)	
- Floors 5, 7-10	577 m ²
Ground floor height (approximate)	3.3 m
Parking	
- Residents	36
- Visitor	5
Bicycle parking	
- Long term	84
- Short term	10
Loading spaces	
- Type G	1

Amenity space	
- Indoor	200 m ²
- Outdoor	85 m ²

Site and Surrounding Area

The site is located on the southeast corner of Sherbourne Street and Gerrard Street East. The rectangular shaped site is approximately 1,311.6 m² in size with a frontage of 35.5 m along Sherbourne Street and 39.6 m along Gerrard Street East. The subject site is currently vacant but formerly operated as a gas station.

North: At the northeast corner of Sherbourne and Gerrard Streets is a 3-storey office building, beyond is a mix of residential and institutional buildings on the east side of Sherbourne Street ranging from 3 to 7 storeys in height. Allan Gardens is located at the northwest corner of Sherbourne Street and Gerrard Street East. Allan Gardens is designated under Part IV of the Ontario Heritage Act.

South: South of the site along Sherbourne Street are detached and semi-detached dwellings ranging from 2-3 storeys in height. The semi-detached houses immediately south of the site are listed on the City's Heritage Register and are designated *Neighbourhoods*.

East: Directly east of the site is a three-storey semi-detached dwelling. This dwelling is listed on the City's Heritage Register. Beyond is a mixture of residential and commercial uses including an automotive repair shop and a Beer Store.

West: To the west of the site along Gerrard Street East are semi-detached dwellings that contain residential, commercial and institutional uses. Along the west side of Sherbourne Street there are 3-storey semi-detached dwellings. The dwelling immediately across the street from the site is listed on the City's Heritage Register and subject to an intention to designate under the Ontario Heritage Act.

Planning Act, Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities under the Act, including, the conservation of features of significant architectural, cultural or historical interest, and the promotion of built form that is well-designed and encourages a sense of place.

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. 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. Policy 4.7 states that the Official Plan is the most important vehicle for implementing the PPS.

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 reviewed the proposed development having regard to section 2 of the Planning Act, for consistency with the PPS and for conformity with the Growth Plan.

Official Plan

Chapter 2 of the Official Plan sets out the Urban Structure of the City, develops the strategy for directing growth within this structure and establishes policies for the management of change, through the integration of land use and transportation planning. The proposed development is located in the Downtown area as defined by Map 2. Although growth is expected to occur in the Downtown, not all of Downtown is considered a growth area.

The property is designated *Mixed Use Areas* on Map 18, Land Use Plan of the Official Plan. *Mixed Use Areas* provide for a broad range of commercial, residential and institutional uses in single or mixed use buildings, as well as parks and open spaces and utility uses. Not all *Mixed Use Areas* are expected to experience the same scale or intensity of development. Surrounding context, built form considerations and the capacity of municipal infrastructure will inform the extent of development. This designation contains policies and development criteria which are used to guide development and ensure an appropriate transition between areas of different intensity and scale.

Chapter 3 of the Official Plan establishes the policy direction for guiding growth by integrating social, economic and environmental perspectives on the built, human and natural environment. The Built Form policies identify the importance of urban design as a fundamental element of City building. These policies are intended to minimize the impacts of new development and guide the form of new buildings to fit within their context. The applicant is proposing to construct a Tall Building. Policy 3.1.3 addresses Tall Building proposals and how they should respond to key urban design considerations.

Other key policies applicable to this development include: Policy 5.6.1 which states that the Plan should be read as a whole to understand its comprehension and integrative intent as a policy framework and Policy 3.1.5.26 states that 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.

Official Plan Amendment 82 – Downtown East Planning Study

The site is subject to Official Plan Amendment 82 – Downtown East Planning Study (OPA 82) which was adopted by City Council March 31, 2015 and subsequently appealed to the Ontario Municipal Board. The applicants are not one of the original appellants, however, they were added as a party to the appeal on June 14, 2017.

The purpose of OPA 82 is to set the framework for new growth and development in the area while protecting those areas that should continue to remain stable. The site is within the Sherbourne Character Area. Tall buildings are only permitted on specified blocks within the character area; the site is identified as Block 1 where a tall building is permitted (Refer to Attachment 5). The general policies of OPA-82 also require: 10% of new units to be three bedroom or larger; no net new shadows will be permitted on Allan Gardens as measured on

March 21 and September 21 from 10:00 am to 6:00 pm; and built form policies related to podium height, tower stepbacks, tower floor plate and tower separation distance standards.

Heritage

The site is adjacent to Allan Gardens, which is designated under the Ontario Heritage Act, and is adjacent to 299 and 197 Sherbourne Street, and 201 and 203 Gerrard Street East which were listed on the City's Heritage Register by City Council on July 12, 2016. The site is adjacent to 306 Sherbourne Street which is also listed on the City's Heritage Register and subject to an intention to designate under the Ontario Heritage Act. The site is also within the Garden District Heritage Conservation District (HCD) which was approved by City Council January 31, 2017 and subsequently appealed to the Ontario Municipal Board. As the HCD is currently under appeal at the OMB, it is relevant but not determinative in terms of the heritage analysis.

Zoning

Under Zoning By-law 569-2013 the site is zoned CR1.5 (c1.0; r1.0) SS2 (x1906) exception 1906. The exception refers to, among other items, parts of the building above the first storey must be used for residential uses and a prohibition of vehicle service type uses under specified conditions.

The site is zoned MC T1.5 C1.0 R1.0 under Zoning By-law 438-86. This zoning designation permits a variety of uses including residential.

The maximum permitted total density is 1.5 times the lot area, and for residential uses a maximum of 1.0 times the lot area. The maximum permitted height is 12 metres under both By-laws.

Site Plan Control

The proposed development is subject to Site Plan Control. An application has not been submitted.

City-Wide Tall Building Design Guidelines

Policy 5.3.2 of the Official Plan states that guidelines will be adopted to advance the vision, objectives, and policies of the Plan. City Council adopted the Tall Building Design Guidelines on May 7, 2013 for use in evaluating tall building proposals.
<http://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

The Tall Building Design Guidelines are intended to be used in assessing the siting, massing and design of tall buildings and the associated public realm. The guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. More specifically, the guidelines provide recommendations for building placement and orientation, entrances, massing of base buildings, tower floor plates, tower separation distances, pedestrian realm considerations and sustainable design and transition.

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

This project is located within an area that is subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the Tall Building Design Guidelines May 2013). This document can be viewed at:

<http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>. This guideline identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Tall Building Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate tall building proposals. Within the guidelines, Map 1 and Map 2 identify those streets along which tall buildings are considered to be an appropriate form of development. The portions of Gerrard Street East and Sherbourne Street fronting this site are not identified as tall building sites.

TOcore

TOcore: Planning Downtown is a three-year, inter-divisional study, led by City Planning. Building on Downtown's existing planning framework, TOcore's purpose is to ensure that growth positively contributes to Toronto's Downtown as a great place to live, work, learn, play and invest by determining: a) how future growth will be accommodated and shaped, and b) what physical and social infrastructure will be needed, where it will go and how it will be secured.

The Downtown Plan will update the Downtown planning framework to shape future growth and link growth to the provision of needed infrastructure investments to achieve the city-building vision and policies of Toronto's Official Plan. A series of infrastructure strategies for transportation, parks and public realm, community services and facilities, water and energy are in development as part of this review.

City Council adopted the TOcore Proposals Report on December 15, 2016. The Proposals Report provides a vision for Downtown to 2041, five guiding principles and the policy directions that informed the development of the proposed Downtown Plan. The proposed Downtown Plan will be presented at the Planning and Growth Management Committee meeting on September 7, 2017.

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal) which provide the detailed performance standards for portions of buildings above 24 metres in height.

The TOcore website is www.toronto.ca/tocore.

Reasons for Application

An application to amend the Zoning By-laws is required to permit the proposed height and density as well as to amend other applicable performance standards.

Application Submission

The following reports/studies were submitted with the application:

- Architectural Drawings Plans, Floor Plans, Elevations and Sections
- Shadow Impact Study
- Transportation Study
- Planning Justification Report
- Green Standard Checklist
- Stormwater Management Report
- Functional Servicing Report
- Ontario Ministry of Environment – Record of Site Conditions
- Community Services and Facilities Study
- Qualitative Pedestrian Level Wind Assessment
- Heritage Impact Assessment
- Arborist Report
- Draft bylaws (438-86 and 569-2013) and Draft Official Plan Amendment

A Notification of Complete Application was issued on May 15, 2015.

A subsequent application to amend the shadowing and tower setback provisions of Official Plan Amendment 82 was submitted April 24, 2017. This Official Plan Amendment application was deemed complete May 15, 2017.

Community Consultation

A community consultation meeting was held January 21, 2016 at the Parliament Street Library. Comments related to the zoning amendment component of the project were:

Massing and Height

- Proposal is too tall for the area and doesn't relate to its context.
- Neighbours to the east impacted as massing is too large, proposal doesn't provide a sufficient setback from the east property line and impacts the amount of privacy and sunlight, concern with window placement and privacy impacts.
- Massing is too overwhelming and needs to be scaled down.
- Massing, architectural style and materials do not complement existing context.
- Building should be no higher than 8-10 storeys.
- Proposal is too large and will cast shadows along Gerrard Street and increase the number of car accidents because of the transition from sun to shadow.

Retail

- A retail component should be incorporated in the base of the building.
- Eliminate the units at-grade and provide retail.
- Retail use provide a sense of comfort and safety, provide a nice place for people in the park to go to, provide animation at the corner.

Shadowing

- Shadowing of Allan Gardens.
- People walk in the park before 10 am – their walk will be shadowed.
- Shadowing of the heritage buildings on the south side of Gerrard west side of Sherbourne.
- Shadowing on Gerrard east of Sherbourne sidewalk.

Transportation

- Existing morning congestion for the Sherbourne bus.
- More traffic along Sherbourne and Gerrard, which are already jammed.
- Garage access is too close to the TTC stop at Gerrard and Sherbourne.
- Garage access along Sherbourne will create a safety concern and uncomfortable condition for pedestrians.
- Need to provide a pick up and drop off area.

Heritage

- Proposed orange door way is ugly and does not relate to the existing context.
- Materials and architecture need to reflect the heritage character of the surrounding neighbourhood.
- Revise the design to take into account the heritage character of the neighbourhood.
- Proposal stands proud of the adjacent heritage buildings.

Other

- City doesn't need another tall building.
- If approved this building will act as a flood gate to development into Cabbagetown.
- Corner is under used but needs to be smaller in scale.
- Some of the rental units should be affordable.
- Proposal will be precedent setting for larger sites in the area.
- Some people like the building and are happy something is going to be done.

COMMENTS

Staff have reviewed the proposed development and are of the opinion the proposed development is not appropriate as the proposed built form is not supportable in its current form for reasons outlined below.

Provincial Policy Statement and Growth Plan

Provincial Policy Statement (PPS)

Policy 1.1.3.3 of the PPS refers to appropriate locations for intensification and redevelopment while Policy 1.1.3.4 refers to appropriate development standards to facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Policy 4.7 identifies the Official Plan as the most important vehicle for implementing the PPS. In the Official Plan the site is designated *Mixed Use Areas* which is an appropriate location for intensification, subject to appropriate development standards.

Policy 2.6.1 further states that significant built heritage resources and significant cultural heritage landscapes shall be conserved and in Policy 2.6.3 that development on adjacent lands to protected heritage property shall not be permitted except where it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Policy 1.7.1 d) also refers to conserving features that help define character, including built heritage resources and cultural heritage landscapes.

As further described below, appropriate development standards are described in both the Official Plan and applicable development guidelines. Policy 4.7 of the PPS refers to the Official Plan as the most important vehicle for implementing the PPS and as such the development standards in the Official Plan have particular relevance. The application does not conform with those standards and as such the proposal is not consistent with the PPS.

Growth Plan

Guiding Principle 1.2.1 of the Growth Plan supports the achievement of *complete communities* and among other principles, supports a range and mix of housing options. Policy 2.2.1 states that the vast majority of growth will be directed to *settlement areas* and within *settlement areas* growth will be focused in *delineated built-up areas*. Policy 2.2.3 further states that *Urban Growth Centres*, the *Downtown* is one such centre, will be planned to accommodate significant population and employment growth. Policy 2.2.2.4 b) refers to identifying the appropriate type and scale of development and transition of built form to adjacent areas. Policy 4.2.7.1 states that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas. As further described below, the Official Plan has policies that refer to development standards that address issues of scale and transition. The proposed development does not conform to those policies and as such the proposal does not conform with the Growth Plan.

Official Plan

The proposed development is located in the *Mixed Use Areas* designation of the Official Plan. The proposed use is residential; as a land use, residential would be permitted in the *Mixed Use Areas*. While intensification is provided for in *Mixed Use Areas*, it must be achieved through a built form that provides appropriate fit, transition and the protection of designated *Neighbourhoods*, heritage buildings and parks/open space areas.

Built Form

Massing and Tower Height

For the *Mixed Use* areas designation, Policy 4.5.2 c), d) and e) state that the location and massing of new developments provide a transition, limit shadows on adjacent *Neighbourhoods* and frame street edges in good proportion. Policy 4.5.2c) specifically references a transition between areas of different development intensity and stepping down of heights particularly towards lower scale *Neighbourhoods*. Healthy Neighbourhoods Policy 2.3.1.2 b) further states that developments in

Mixed Use Areas that are adjacent to *Neighbourhoods* will provide a gradual transition of scale and density through the stepping down of buildings towards and setbacks from those *Neighbourhoods*.

Official Plan Built Form Policies 3.1.2.1 and 3.1.2.3 require that new development be located and organized to fit within its existing and/or planned context and be massed to fit harmoniously into its context. Policy 3.1.2.3 c) references limiting impact by creating appropriate transitions in scale to neighbouring buildings and in Policy 3.1.2.3 d) and 3.1.2.4 will limit its impact by providing for adequate light and privacy and ensuring adequate access to sky view. Tall Buildings Policy 3.1.3.2 c) also requires that tall buildings relate to their existing and/or planned context.

In addition, Tall Building Design Guideline 1.3 addresses Fit and Transition in scale and Guideline 3.2.1 addresses floor plate size. Tall Building Design Guideline 1.3 also specifies that tall buildings provide an appropriate transition in scale to lower scale buildings, parks and open space.

The proposed development is a 14-story tower (46.8 m including mechanical) and a 4-storey podium. The tower component of the development has a floor plate which ranges from approximately 532 m² (11th floor) to 587 m² (6th floor). The 14th floor wraps around the mechanical penthouse. The tower component is located in the northern portion of the lot.

To the north along Sherbourne Street buildings are more of a mid-rise form generally ranging from 3 to 7-stories in height. South of the site, in the *Neighbourhoods* designated lands, buildings are in a low rise form generally 3-stories in height. To the north-east and south-east, the built form is uniformly of a low-rise nature. Gerrard Street, east of Sherbourne, is designated as a *Mixed Use* area which is anticipated to develop at a higher density than presently exists, predominantly in a mid-rise form subject to site specific constraints.

The proposed building is approximately double the height of all the other buildings within a block radius, with the exception of 266 Sherbourne being a single anomaly. The proposed tower height is significantly higher than the existing and planned built form context and also does not provide an appropriate transition to the adjacent 3-story *Neighbourhoods* buildings to the south.

The massing of a tower podium form of development is appropriate, and by locating the tower in the northern portion of the lot helps to minimize the impact to the adjacent *Neighbourhoods* properties to the south. However, the scale of the proposal and more specifically the height, is not appropriate and as such does not comply with Official Plan policies related to context and transition or maintain the intent of the related guidelines.

Height and Shadow impacts on *Neighbourhoods*

Official Plan Healthy Neighbourhoods Policy 2.3.1.3 states that intensification of land adjacent to *Neighbourhoods* will be carefully controlled so that neighbourhoods are protected from negative impacts. Built form Policy 3.1.2.3 e) further refers to limiting any resulting shadowing on neighbouring streets, properties and open spaces. The shadow studies show that the proposed development does not shadow those *Neighbourhoods* lands on March/September 21.

Height and Shadow Impacts on Allan Gardens

Allan Gardens is an important city-wide resource, it is the largest park east of Yonge in the downtown and has one of only three publicly accessible municipal greenhouses in the City with botanical gardens. Allan Gardens attracts members of the public from across the city as well as from the local neighbourhood. Shadow impacts are particularly important because any additional shadowing on the park from new buildings is a permanent impact which affects the park for the foreseeable future.

Official Plan Built Form Policy 3.1.2.3 e) and f) refers to providing for adequate light and limiting shadows on open spaces and minimizing additional shadowing on neighbouring parks to preserve their utility. Official Plan Parks and Open Spaces Policy 3.2.3.3 refers to minimizing additional shadows on parks and open spaces to preserve their utility while Mixed Use Areas Policy 4.5.2 e) refers to maintaining sunlight on adjacent streets, parks and open spaces.

These policies are expanded on by Tall Building Guideline 1.3 a) which refers to maintaining access to sunlight and sky view for surrounding streets, parks, open space and neighbouring properties and by Guideline 1.4 a) and b) which seeks to minimize any additional shadowing of Parks. The Downtown Tall Buildings guidelines which predate the enactment of OPA 82 refer to locate and design tall buildings to not cast new net shadows on Signature Parks/Open Spaces (Allan Gardens is a Signature Park) between 10:00 am and 4:00 pm on September 21.

The shadow study reveals that Allan Gardens would be impacted at both 9:18 and 10:18 in the morning during the spring and autumn equinoxes (refer to Attachment 3). The shadowing would occur in the south-east part of Allan Gardens and would also shadow the Gerrard Street entrance. By 11:18 the shadows would be off Allan Gardens. This equates to approximately 2 hours of park shadowing. Shadow studies were not provided by the applicant for the June/December period.

New shadows on the park impact both the existing enjoyment, use and utility of the park in addition to the future potential use of the park. It is recognized that the current programming of the park will likely change over the long term as additional development in the area results in increased park usage and increased demand for park space. Features on City parks are not static and change over time, for example, trees have a finite life span and as a result change shade patterns. Portions of the park are already shadowed by existing developments and potentially may be further shadowed in the future by as of right but un-built developments. Because of this, shadow impact is of critical concern as it will affect the enjoyment of this rare public resource. Continued incremental erosion of non shadowed areas will reduce the usability, overall long term potential and experience of the park.

Staff are of the opinion that the proposed shadow impacts are unacceptable and do not conform with or maintain the intent of the Official Plan which speak to minimizing shadows and the design guidelines that among other things refer to no shadowing from 10:00-4:00. The proposed shadow impact does not conform to the Policy and maintain the intent of the guidelines which refer to maintaining the utility of the park as well as protecting and enhancing open spaces. As

Downtown continues to intensify, the need to protect these few larger parks becomes increasingly important.

Podium Height and Transition

There are a number of Official Plan policies that reference the need to protect adjacent developments by providing an appropriate transition through setbacks and stepbacks. Built Form Policy 3.1.2.3 c) refers to appropriate transitions in scale to neighbouring existing and/or planned buildings. For the *Mixed Use Areas* designation, Policy 4.5.2 c) refers to locating and massing new buildings to provide a transition between areas of different development intensity and scale through setbacks and/or stepping down of heights.

The Tall Building Design Guideline 3.1.1 provides greater clarity by referring to the base building (podium) height being consistent with the existing street wall context and refers to podium (base) building heights being a maximum of 80% of the width of the adjacent right-of-way.

The proposed podium height is 4-stories (13.7 m). The width of the adjacent rights-of-way are 20 m (Gerrard and Sherbourne Streets) which results in a maximum podium height of 16 m based on the 80% of right-of-way provision. An appropriate podium height is also informed by the height of adjacent developments. Adjacent buildings along Gerrard and Sherbourne are generally 3-stories (approximate 10-12 m) in height.

The proposed 4-storey podium is appropriate as it is less than the 16 m height that the guidelines refer to and it is of a similar height to the adjacent buildings.

Official Plan Amendment 82

OPA 82 identifies this site as a Tall Building site and in Policy 3.11 states that Tall Buildings will develop in a Tower-Base typology with floor plates no larger than 750 m² (Policy 3.13). Policy 3.12 further states that base buildings are encouraged to be no taller than 80% of the right-of-way and that the tower component shall step back at least 3 metres including balconies. The proposed development proposes a Tall Building with floor plate ranging from 532 m² (11th floor) to 587 m² (6th floor). The base building is proposed at 13.7 m which is less than the 16 m based on the 80% provision.

Policy 3.5 further states that no net new shadows are permitted on Allan Gardens as measured on March 21 and September 21 from 10:00 am to 6:00 pm. The proposed development would shadow from 10:18 in the morning and as such the proposed shadows do not conform with or maintain the intent of OPA 82 which prohibits shadows from 10:00-6:00.

Heritage Adjacency

As described above, the subject property is not included on the City's Heritage Register, but it is adjacent to heritage properties to its northeast (Allan Gardens), and to its east, south, and west (house form buildings). Official Plan Policy 3.1.5.26 states that construction on or adjacent to a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of the property.

Heritage staff have reviewed the Heritage Impact Assessment submitted by the applicant in support of their application. The HIA finds that the proposal will not have a significant negative impact on the adjacent heritage properties. Staff agree with this assessment. Since its submission the application has been revised in an effort to respond to its heritage context. These revisions include the reduction in height of the proposed base building, an increasing in the tower step from its base on Gerrard Street East, and refinements to the base building fenestration and materials. Additionally, the set back of the development of from the east property line has been increased to 1.2 metres.

Public Realm, Sidewalk Zone and Wind Impacts

For development in the *Downtown*, Official Plan Policy 2.2.1.11 refers to street improvements to enhance the pedestrian environment. This is expanded on by Public Realm Policy 3.1.1.5 and 3.1.1.6 which refer, among other things, to safe and efficient movement of pedestrians, provision of space for trees and landscaping and sidewalks being designed to provide safe, attractive, interesting and comfortable spaces for pedestrians. In this regard, the Tall Building Design Guideline 4.2 recommends a minimum 6 metres wide sidewalk zone. The development application proposes approximately a 6m sidewalk zone along both Sherbourne and Gerrard Street East. This meets the intent of the guidelines.

Official Plan Policy 4.5.2 e) refers to massing new buildings to maintain comfortable wind conditions for pedestrians on adjacent streets. Tall Building Design Guideline 4.3 further refers to minimizing adverse wind conditions on adjacent streets. The applicant submitted a Pedestrian Level Wind Assessment for the proposed development. The study concludes that wind comfort at all grade-level pedestrian sensitive locations is expected to be suitable for the anticipated use without mitigation and that proposed building is not expected to significantly influence pedestrian wind comfort at neighbouring areas beyond the development site.

Amenity Space

Official Plan Policy 3.1.2.6 states that every significant new multi unit residential development will provide indoor and outdoor amenity space for residents of the new development. Official Plan Policy 4.5.2 k) states that in *Mixed-Use Areas* development will provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development. These requirements are implemented through Zoning By-law 438-86 and Zoning By-law 569-2013 which respectively require a minimum of 2.0 m² of indoor and 2.0 m² of outdoor amenity space for each unit; and a minimum of 4.0 m² of amenity space for each unit (of which at least 2m² shall be indoor space). Typically the City requires 2.0 m² of indoor and 2.0 m² of outdoor amenity space per unit.

The development proposal includes both indoor and outdoor amenity space. A total of 200 m² (2.2 m² per dwelling unit) of indoor and 85 m² (0.9 m² per dwelling unit) of outdoor space is proposed for a total of 285 m² (3.1 m² per dwelling unit). The proposed outdoor amenity space does not meet City standards, however, the total amenity space (indoor plus outdoor) does meet City standards and as such is considered acceptable.

Provision of Family Sized Units

In the *Downtown* section of the Official Plan, Policy 2.2.1.1 c) refers to the provision of a full range of housing opportunities. OPA 82 further states in Policy 3.4 that ten percent of units in new developments will be three bedroom units or larger. In implementing this policy, staff seek to secure 10% of all units as three bedroom or greater to broaden the range of housing provided *Downtown*. The applicant is proposing 10 three-bedroom units (10.8% of the total units) which is appropriate.

Traffic, Parking and Loading

A Transportation Study prepared NexTrans Incorporated was submitted with the application and has been reviewed by staff. Parking and loading would be accessed from a proposed private driveway aligned along the south property line which would connect to Sherbourne Street. The proposed development would provide vehicular parking below grade and loading and bicycle parking at grade within the building podium. The proposal includes 36 resident parking spaces and 5 visitor space spaces for a total of 41 parking spaces. A total of 94 bicycle parking spaces and 1 type G loading space is proposed.

A subsequent Site Plan Control application would provide an opportunity for a detailed review of site operations including vehicular circulation, parking space dimensions, ramp design, driveway width and radii and loading operations. The reviews could potentially result in revisions to floor plans, loading spaces/operations, ramps, parking space supply and vehicular movements.

Transportation Services advise that the proposal must provide 0.38 parking spaces per unit plus 0.05 visitor parking spaces, which equates to 40 parking spaces in total, and that the applicant must provide 1 loading space. The applicant has proposed 41 parking spaces and 1 loading space, and so complies with Transportation Services recommendations.

Site Servicing and Solid Waste

The applicant submitted a Functional Servicing and Stormwater Management Report with updates. The development site would be serviced from existing sewer and watermains. Engineering and Construction Services reviewed the report and advise that Fire Services comments are not available at this time and that Solid Waste Management requires revisions to the plans to indicate and annotate an appropriate staging pad which may impact the ground floor plans.

Engineering and Construction Services also advise that the Functional Servicing Report needs revisions and that the owner be required to provide an undertaking to the City that the building will be constructed in a manner which shall be completely water-tight below grade and resistant to hydrostatic pressure without any necessity for foundation drains, groundwater collections systems or any other type of permanent drainage system or any direct or indirect connection the City's sewage works.

It is therefore recommended that, if the OMB were to approve this or a modified form of this project, that City staff be authorized to request the OMB to withhold its Order pending the submission of an acceptable Functional Servicing Report, to the satisfaction of Executive

Director of Engineering and Construction Services, and to the provision of the above mentioned undertaking.

Given the Functional Servicing and Stormwater Management Report has not been finalised in a satisfactory form, it is also recommended that the owner be required to pay for and construct any improvements to the municipal infrastructure if it should be determined that the improvements to such infrastructure is required to support the development.

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 site is in the lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article 111 of the Toronto Municipal Code.

The application is for the construction of one 14-storey residential building that will contain 93 dwelling units. At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 1,240m² or 94.54% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use. In total, the parkland dedication requirement is 131m² or 10% of the net site area.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as a dedication of 131m² 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 would be determined at the time of issuance of the building permit by the Facilities and Real Estate Division. Parks, Forestry and Recreation staff are satisfied with the proposal for a cash-in-lieu payment.

Urban Forestry

An Arborist Report was submitted by the applicant. Urban Forestry reviewed the proposed landscape plan and arborist report and indicated that there are two private trees that will require a permit to remove and that there may be two private trees that will require a permit to injure if no application to remove is pursued. They also indicate they require six new large growing native shade trees and five street trees planted on the Gerrard Street road allowance in addition to detailed landscape plans and a composite utility plan which could be undertaken as part of a subsequent Site Plan application if the application were to be approved by the OMB.

Section 37

The proposed development at 7,192 m² is less than the 10,0000 m² threshold that is typically used to determine the applicability of Section 37 community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include a range of benefits as identified by Official Plan Policy 5.1.1.6. City Planning does not

recommend a Section 37 contribution and discussions with the applicant concerning Section 37 benefits did not occur.

Conclusion

The proposed development is not appropriate as the proposed development is not consistent with the heritage policies in the PPS and does not conform with those Official Plan policies and does not comply with or maintain the intent of the guidelines related to shadowing of Allan Gardens. Additionally, the tower height does not provide an appropriate height transition to the adjacent *Neighbourhoods* and heritage designated lands to the south. Additionally, the proposed development does not have a satisfactory Functional Servicing Report to address Engineering issues including an undertaking by the owner to address drainage issues.

Therefore, for the reasons outlined in this report, it is recommended that staff be directed to attend the Ontario Municipal Board hearing of the appeal to oppose the applicant's development proposal and their application for an Official Plan Amendment and Zoning By-law Amendment for the property at 307 Sherbourne Street. It is also recommended that staff be authorized to continue discussions with the applicant in order to come to an agreement for an appropriate tower height that among other matters, significantly reduces shadow impact during sensitive times of the day in conformity with Official Plan policies.

CONTACT

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E-mail: Derek.waltho@toronto.ca

SIGNATURE

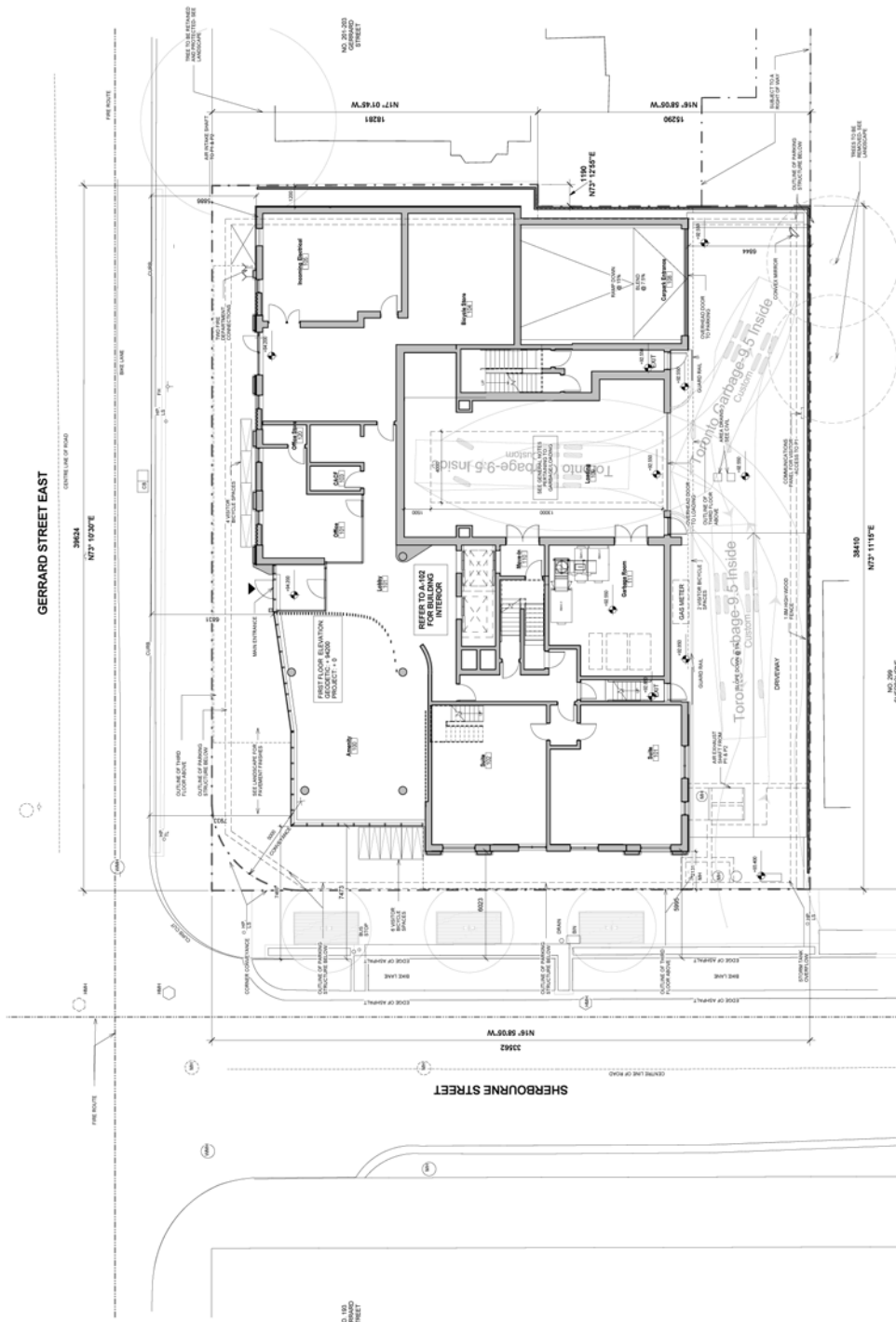
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Shadow Impact to Allan Gardens March/September 21
Attachment 4: Application Data Sheet
Attachment 5: Sherbourne Character Area

Attachment 1: Site Plan

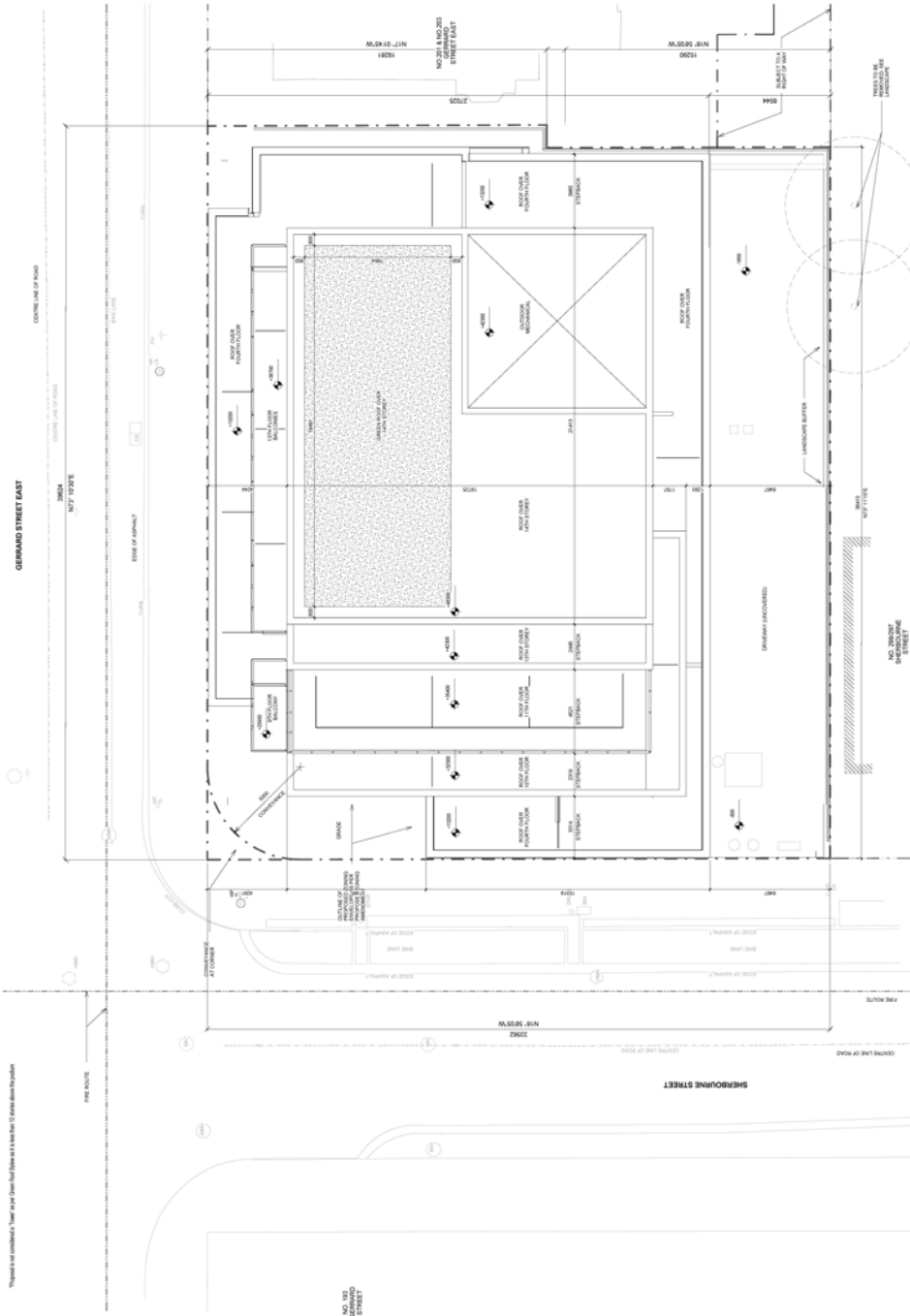


307 Sherbourne Street

Site Plan With First Floor
 Applicant's Submitted Drawing

Not to Scale
 06/05/2017

File # 15 147462 STE 28 0Z



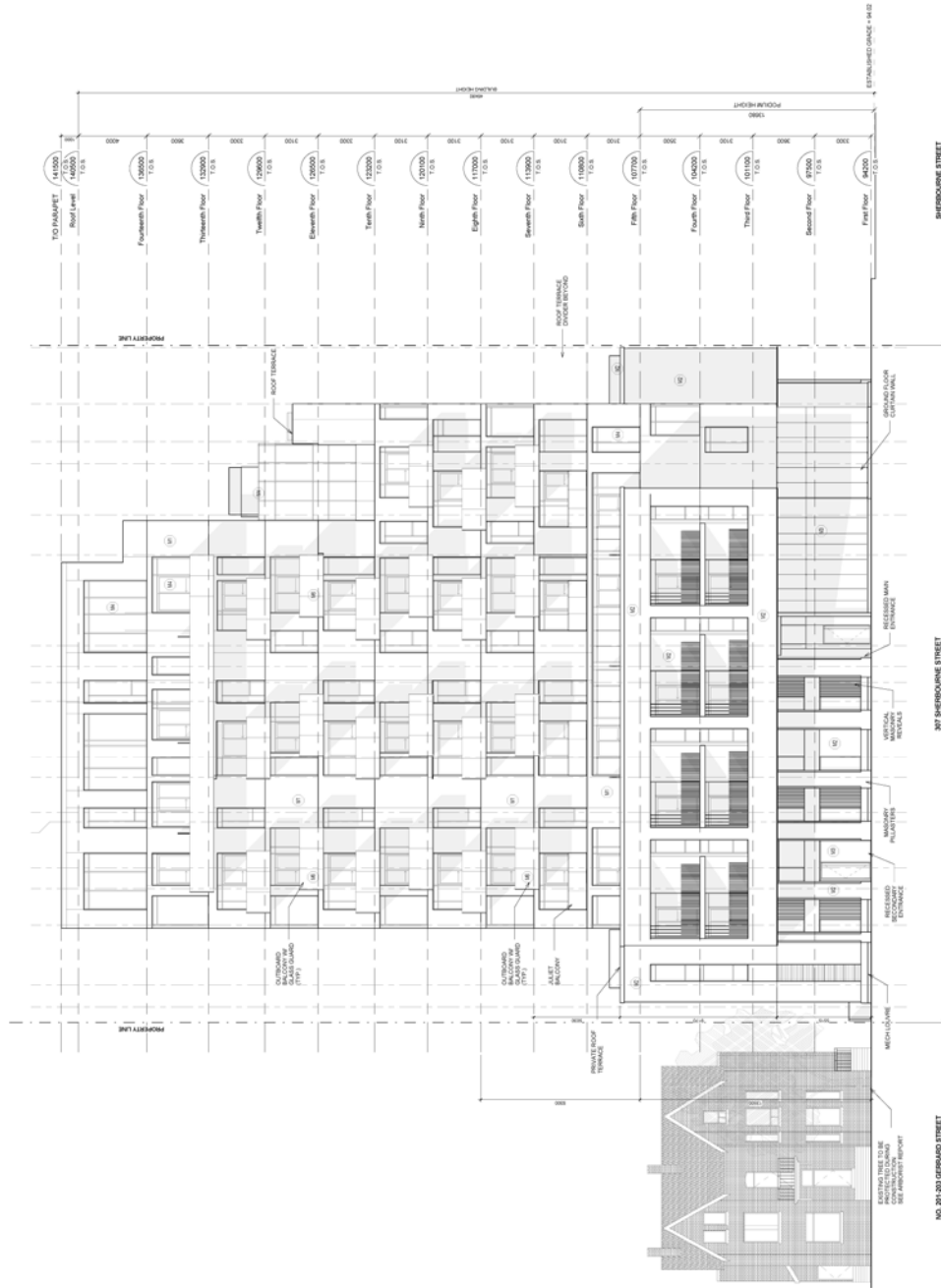
307 Sherbourne Street

Site Plan With Roof
 Applicant's Submitted Drawing

Not to Scale
 06/05/2017

File # 15 147462 STE 28 0Z

Attachment 2: Elevations



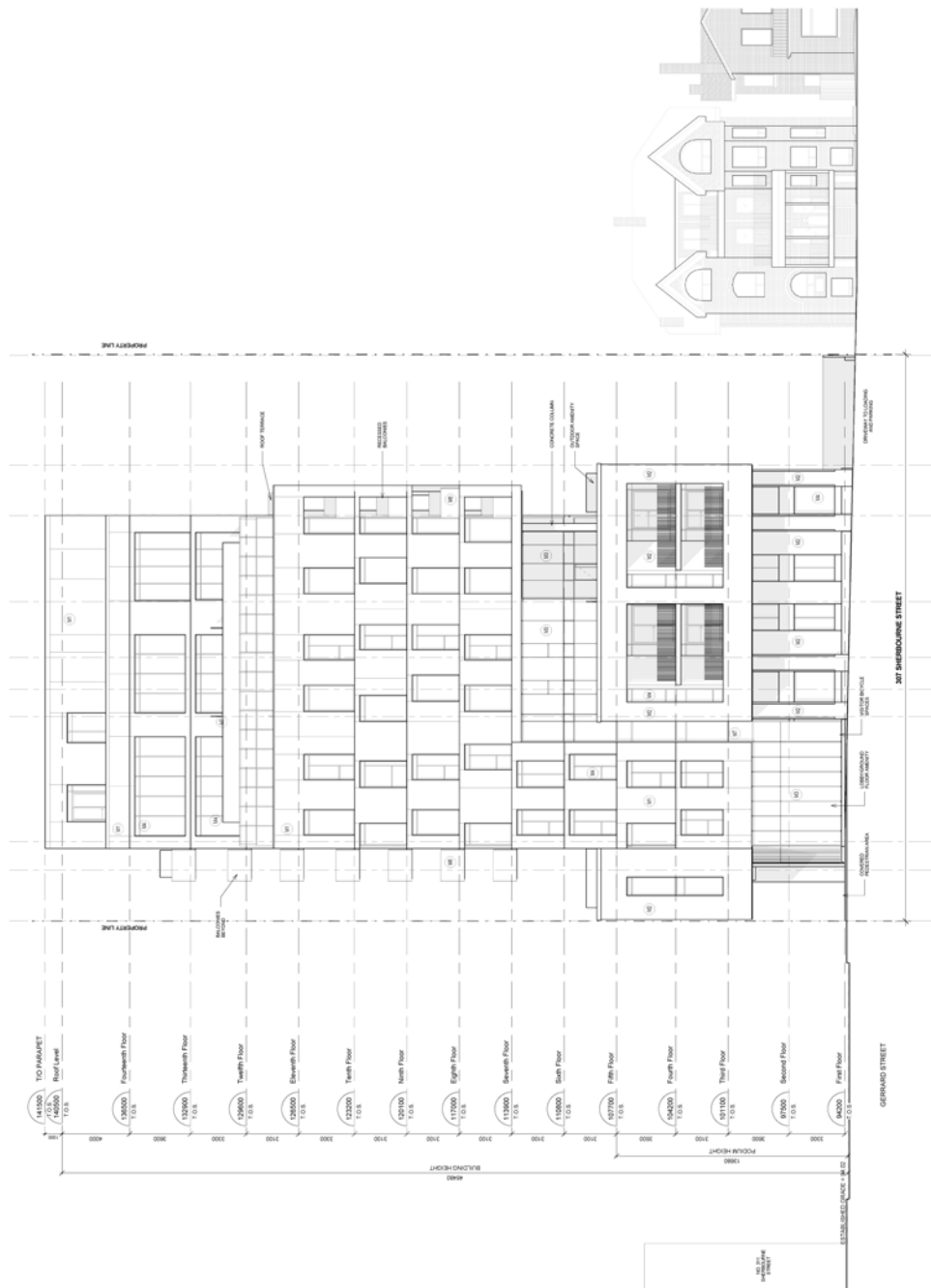
307 Sherbourne Street

North Elevation
 Applicant's Submitted Drawing



Not to Scale
 06/05/2017

File # 15 147462 STE 28 0Z



307 Sherbourne Street

West Elevation

Applicant's Submitted Drawing
 Not to Scale
 06/05/2017

Applicant's Submitted Drawing
 Not to Scale
 06/05/2017


File # 15 147462 STE 28 0Z

Attachment 3: Shadow Impact to Allan Gardens March/September 21



Shadow Study at 9:18AM, March/ September 21

Applicant's Submitted Drawing

Not to Scale
06/05/2017 

307 Sherbourne Street


File # 15 147462 STE 28 0Z



Shadow Study at 10:18AM, March/ September 21

307 Sherbourne Street

Applicant's Submitted Drawing

Not to Scale
08/05/2017 

File # 15 147462 STE 28 02

Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	15 147462 STE 28 OZ
Details	Rezoning, Standard	Application Date:	April 27, 2015
Municipal Address:	307 SHERBOURNE ST		
Location Description:	PLAN 132 PT LOTS 18 & 19 19 **GRID S2804		
Project Description:	Proposed 14-storey residential rental apartment building with 93 dwelling units		

Applicant:	Agent:	Architect:	Owner:
Walker, Nott, Dragicevic Associates Limited			Oben Flats Sherbourne GP Limited

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR 1.5 (c1.0; r1.0) SS2 (x1906)	Historical Status:
Height Limit (m):	12	Site Plan Control Area:

PROJECT INFORMATION

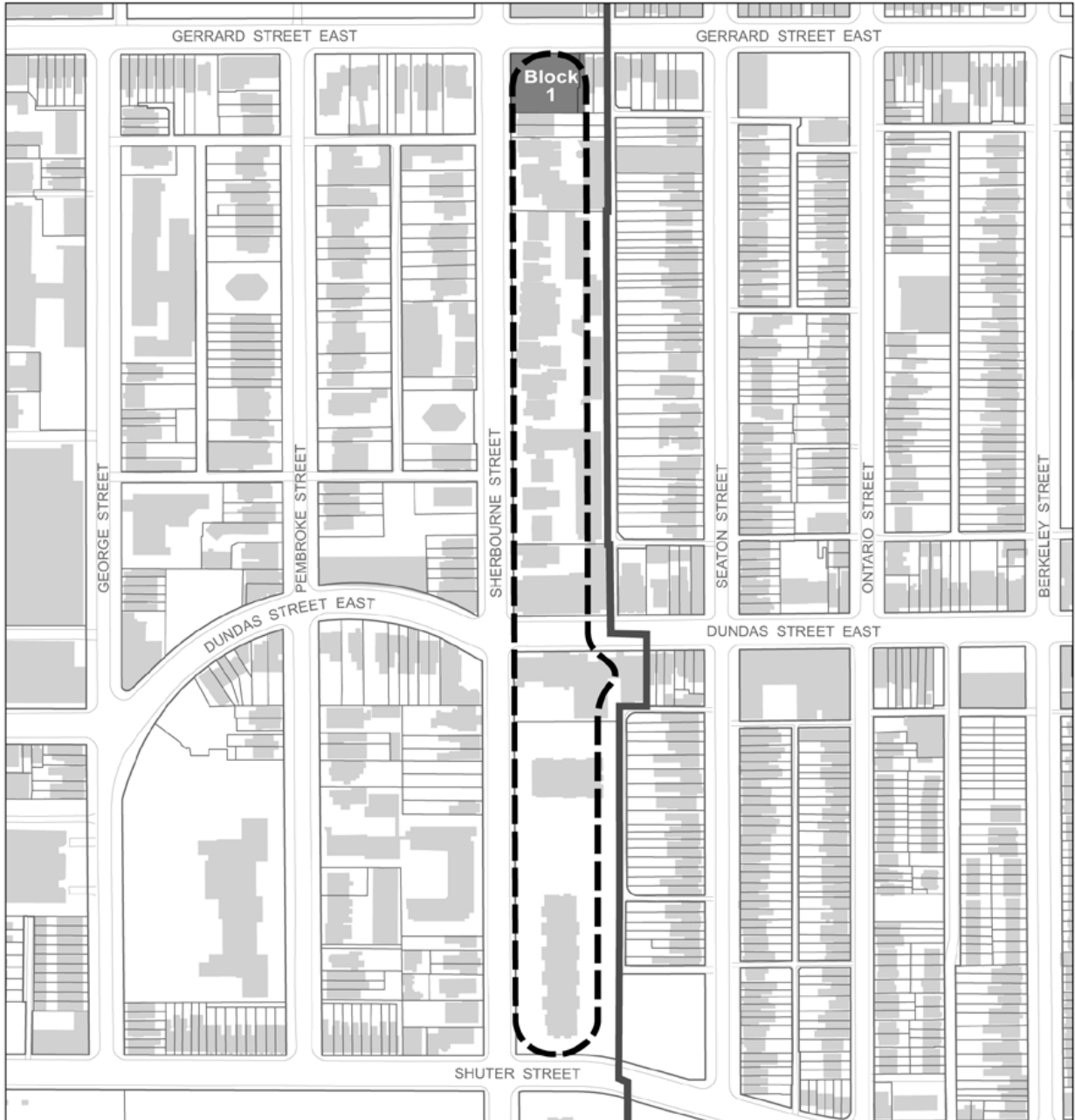
Site Area (sq. m):	1311.6	Height:	Storeys:	14
Frontage (m):	39.62		Metres:	46.8 incl mech
Depth (m):	33.56			
Total Ground Floor Area (sq. m):	878.7			Total
Total Residential GFA (sq. m):	7192.2		Parking Spaces:	41
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	7192.2			
Lot Coverage Ratio (%):	67			
Floor Space Index:	5.47			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	7192.2	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	50	Office GFA (sq. m):	0	0
2 Bedroom:	33	Industrial GFA (sq. m):	0	0
3 + Bedroom:	10	Institutional/Other GFA (sq. m):	0	0
Total Units:	93			



Attachment 5: Sherbourne Character Area



TORONTO City Planning
Sherbourne Corridor
Character Area

**Area Bounded by Jarvis Street, Carlton Street,
 Sherbourne Street and Queen Street East**

File # 12 294720 SPS 00 02

-  Study Area Boundary
-  Character Area


 Not to Scale
 04/24/2014