



Toronto and East York Community Council
2nd floor, West Tower, City Hall
100 Queen St. W.
Toronto, ON M5H 2N2

September 6, 2017

Dear Council,

RE: Preliminary Report: 307 Sherbourne Street – Zoning Amendment Application

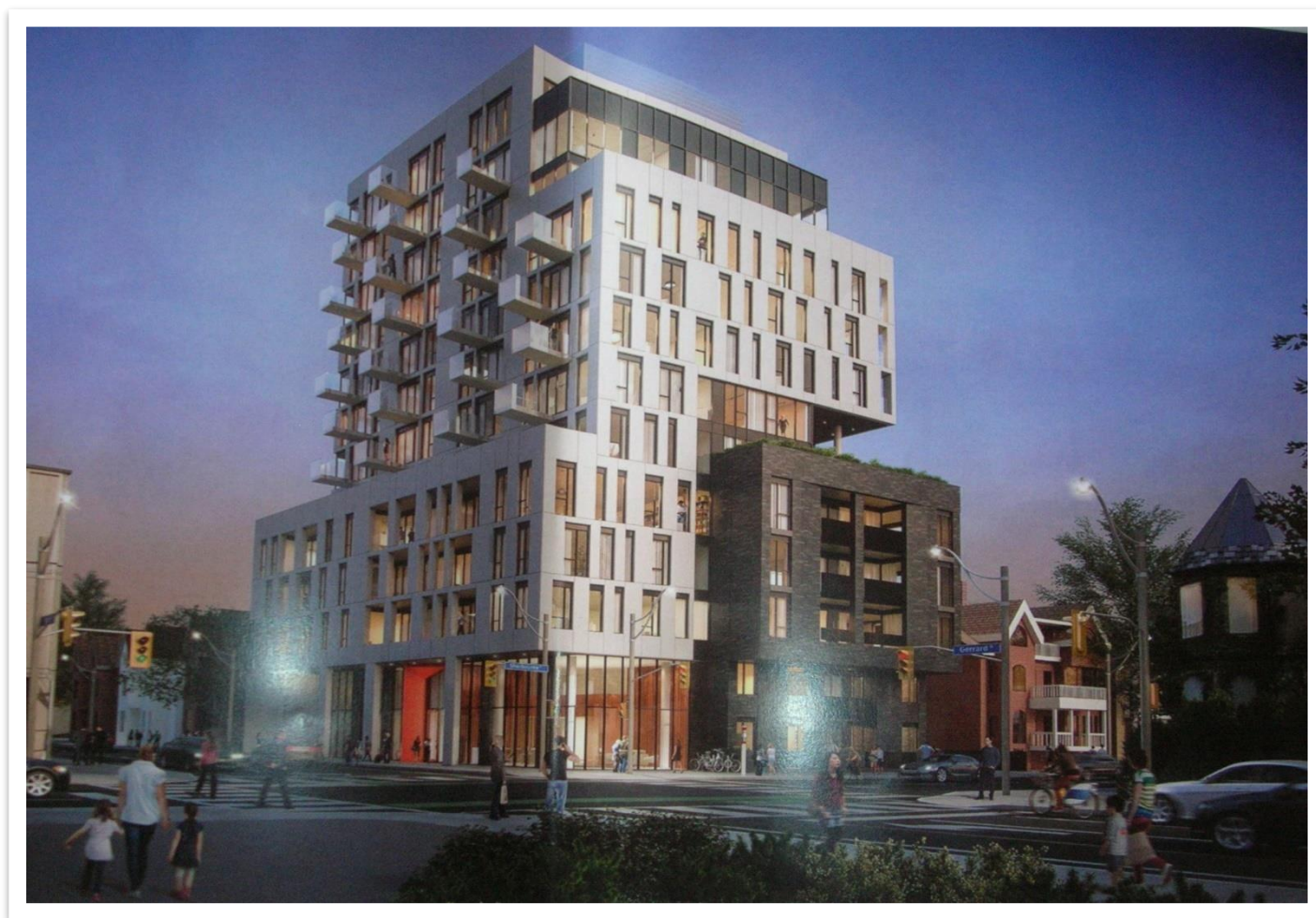
The Council has, or will have, before it, a Preliminary Report, (August 14, 2015), from the Director, Community Planning, Toronto and East York District, with respect to the proposed erection of a 13-storey residential tower, (referred to as “Oben Flats”), at the south-east corner of Sherbourne Street and Gerrard Street East, containing 94 rental units, and including 43 vehicular parking spaces accessed from Sherbourne Street, just below Gerrard Street. The overall proposed building height is 47.5 metres, including mechanical equipment. The development would have a total of 7,518.88 square metres of gross floor area.

The density of the proposed building would be 6.01 times the lot area, as opposed to the maximum residential density of 1 times the lot area permitted by City Zoning By-law No. 438-86. The height of the building, at 47.5 metres, would be almost 4 times the maximum height of 12 metres authorized by the By-law.

A rezoning application would first be required to be made by the applicant, and considered and granted by City Council, in order to permit the height and density proposed by the applicant. The site of the proposed building, a rectangular tower, of modern architectural design, is situated in a primarily Victorian-era (1850's to 1890's) residential neighbourhood of houses mostly of 2 to 3 storeys, within the proposed Cabbagetown Southwest Heritage Conservation District, the plan for which was submitted for nomination in January 2013 and approved to study by City Council in March 2015. The study is slated to begin this Spring 2016.

The site is situated south and south-west of four Heritage Conservation Districts already designated by City Council, each one bearing the name “Cabbagetown”.

The proposed building would be diagonally across the intersection from Allan Gardens, a site designated by Council under the Ontario Heritage Act by its By-law No. 481-86, and the subject of the plan phase of the Garden District Heritage Conservation District Study, directed by City Council in October, 2012. The proposed development site is also located within the boundaries of that study area. Accordingly, if plans for the proposed tower were to proceed, it would be appropriate that the required Heritage Impact Statement study include consideration of its shadowing of the park, as well as of other properties in the area.



The principles anticipated by the proposed HCD studies would echo those already adopted by City Council with respect to other HCD's already designated, including the following:

“Section 2.1 Heritage Character Statement: Features of the District

-The most visible and important characteristic of the District today consists of the virtually unbroken streetscapes of 2 to 3-storey Victorian houses and other buildings.

Section 3.1 Heritage Conservation Principles: Introduction

-The stated goal of the Plan includes that “any new development – including additions visible from street level – and public works projects, be encouraged not to detract from the heritage attributes of the District, but to contribute to and enhance them.

Section 3.2.4 New Development, states the following principles:

-Where new buildings and additions are necessary, to encourage design that is sympathetic and compatible with the character of the existing heritage properties and the character of the District.

-For infill construction, to encourage the design that respects the human scale of the area while enhancing the area's heritage attributes.

Section 4.2.2 Conservation District Objectives: New Development

-To permit new development only where it respects or otherwise complements the prevailing character of existing heritage buildings and structures within the Cabbagetown Heritage Conservation District.”

For reasons stated above and below, it is recommended by the Cabbagetown Heritage Conservation District Advisory Committee that City Council not proceed further with consideration of this proposed development. Such a building would be entirely out-of-place in the Victorian heritage neighbourhood in which it is proposed to be located, and its features entirely out-of-keeping with the height, scale, set-backs, cladding, and character of the houses in this significant area of the City. This disconnect has been visually illustrated in Exhibit I.



EXHIBIT I

If the proposed building is permitted or erected prior to Council's consideration of either the proposed Cabbagetown Heritage Conservation District or the Garden City District Plan, it would, as no doubt intended by its developers, "get in under the wire", resulting in a permanent building totally at odds with its heritage environment, and destructive of the heritage character of Cabbagetown, in the absence of Council consideration of its impact in the context of those important resources and contributions.

The Committee recommends that, should the City be prepared to give any further consideration to this proposed development, such not occur until after Council's decision-making with respect to measures protective of the

neighbourhood recommended in the two proposed Heritage Conservation District Plans, with each of which it would be entirely inconsistent.

INCONGRUITY WITH THE SURROUNDING AREA

The inappropriateness of the proposed structure in this location, is exemplified and emphasized by the heritage significance of the Dundas-Sherbourne block, still standing due to its historical last-minute preservation as a result of public protest and City action in the 1970's, which saved almost the entire block of Victorian houses from their proposed demolition intended to make way for two 24-storey apartment buildings. Those houses (at 241-283 Sherbourne St.), are south of the Historic John Ross Robertson house, "Culloden", and associated buildings, at 291-5 Sherbourne St., a heritage site designated as being of architectural and historical significance by the City, (and bearing a Provincial plaque), and situated a short distance south of the site of the proposed erection. No.'s 241, 249, 251, 261, 279, 281, 283-5 Sherbourne Street, as well as no.'s 291-5, appear on the City's Inventory of Heritage Properties, as do 300 and 306 Sherbourne and 189 Gerrard. Some of these, as well as others in the area, have been designated by City Council under the Ontario Heritage Act, as properties having architectural, cultural and/or historical interest.

The proposed building would be built up to, or close to, the sidewalk line of both Sherbourne Street and Gerrard Street East, inconsistent with the set-backs of other buildings on both streets. Access to parking in the development would be from Sherbourne Street, just south of the traffic lights at Gerrard Street East, across the northbound bike lane, and encroaching on the bus stop at that location.

The proposed tower would appear to be in contravention of several significant principles of the City of Toronto's Tall Building Guidelines, including those relating to the impact of such structures on heritage buildings and neighbourhoods, and which would require that the tower portion of the tall building be set back from any such abutting property lines at least 20 metres, excluding balconies. The site of the proposed building therefore would be too small to accommodate the appropriate set-backs for a tall building from neighbouring lower houses.

In addition to the gross disproportionality of the height of the proposed erection in relation to the much lower buildings on both of its fronting streets, its characteristics would also produce radical incongruency with its neighbours in terms of scale, set-backs, massing, cladding, colour, form and overall character.

In the designation of other heritage conservation districts in the City, City Council has specifically recognized the significant criteria of the appropriateness and congruency of buildings to their environment, particularly a Victorian neighbourhood such as that in which the site for the proposal is located, whose features represent a connected environment, not simply a collection of unrelated buildings.

The proposed structure is a work of architecture which would be totally inappropriate to this location, whether or not it might fit in other areas of the City. We express no comment on the merits of the architecture or appearance of Oben Flats, but submit that it just does not belong here, and is grossly and unacceptably disproportionate to the scale of its intended neighbours.

The area has already been subjected to major incursions into its heritage character, particularly through the erection of entirely inappropriate modern buildings: the 7-storey high-rise apartment building at 320 Seaton Street, and the 3-storey slab-sided cement structure at the north-east corner of Gerrard Street East and Sherbourne Street. These products of unfortunate planning decisions, which occurred before the City's recognition of the heritage significance of the area, should not be considered as serving as a precedent or justification for repeating them. Assessment of new proposals for development, and of any applications for changing the height and density requirement of the City's Zoning

By-law to permit them, should be considered within the context and criteria forming the basis for the City's designation of the existing and proposed Heritage Conservation Districts.

As pointed out in the Planning Report, Section 37 of the Planning Act allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a particular project that is greater than what the zoning By-law would otherwise permit, in return for community benefits. This does not mean, however, that the developer should be allowed to simply buy the right to erect an outrageously high building such as this one, in a significant heritage area of the City. The City should not even consider the possible terms of a s. 37 agreement with respect to a proposal which in its context would constitute a total DETRIMENT to the Cabbagetown neighbourhood, and to the City!

Our Committee fully realizes that this valuable property is in private ownership, and that the owner is entitled to apply to develop it, subject to legal requirements, such as the implementation of powers possessed by City Council under the Planning and Heritage Acts. In the example of the Dundas-Sherbourne proposal referred to above, a compromise solution was adopted by the City which recognized the interests of the developer in achieving a residential development of substantial useable space, while preserving heritage buildings which had been threatened with demolition. It is hoped that meetings and discussions involving the developer, the City, neighbours and other stakeholders may now take place, with a view to achieving a development compatible with appropriate planning and heritage criteria.

This communication is submitted to the City for consideration of the development application for 307 Sherbourne Street, with the request that we be provided with notice of meetings and copies of all future City Reports and communications relating to the proposal. We hope and trust that our involvement may assist the City in its decision-making with respect to this important matter of heritage and planning significance.

Please feel free to contact me should you have any questions or comments, or require further clarification of the above.

Thank-you for your consideration of our submissions.

Kind regards,



JAMIE MACLEAN

Chair,

Cabbagetown Heritage Conservation District Committee

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