

# 33 Sherbourne Street and 176-178 Front Street East – Zoning Amendment Application – Preliminary Report

Date: May 3, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 13 - Toronto Centre

**Planning Application Number:** 19 124407 STE 13 OZ

**Notice of Incomplete Application Issued:** April 10, 2019

**Current Uses on Site:** A 2.5-storey commercial building, a 2-storey commercial building, and a free standing gas station with associated surface parking.

## SUMMARY

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This report provides information and identifies a preliminary set of issues regarding the application located at 33 Sherbourne Street and 176-178 Front Street East for a 37-storey mixed use building. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

## RECOMMENDATIONS

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The City Planning Division recommends that:

1. Staff schedule a community consultation meeting together with the Ward Councillor for the application submitted for 33 Sherbourne Street and 176-178 Front Street East.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

## FINANCIAL IMPACT

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The recommendations in this report have no financial impact.

## ISSUE BACKGROUND

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### Application Description

This application proposes to amend the Zoning By-law for the property at 33 Sherbourne Street and 176-178 Front Street East to permit a 37-storey (126.4 metres including the mechanical penthouse) mixed use building containing 1,427 square metres of retail space and 30,617 square metres of residential space. The 2-storey building at 33 Sherbourne Street is proposed to be altered and incorporated as part of the development. The 2.5 storey building at 178 Front Street East is proposed to be demolished. A total of 439 residential units are proposed, consisting of: 46 bachelor units (10.5%); 301 one-bedroom units (68.5%); 47 two-bedroom units (10.7%); and 45 three-bedroom units (10.3%). The proposed density is 16.1 times the area of the lot. A total of 91 vehicular and 440 bicycle parking spaces are proposed to support the development.

Detailed project information is found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachments 1 and 2 for three dimensional representations of the proposal in context, Attachment 3 for the location map, Attachment 4 for the proposed site plan, and Attachment 6 for the Application Data Sheet.

### Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2014) (the "PPS"), and to conform to applicable Provincial Plans which, in the case of the City of Toronto, include the Growth Plan for the Greater Golden Horseshoe (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

### Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from the Planning Act. The PPS recognizes the Official Plan as the most important document for its implementation. Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. The Toronto Official Plan may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The site is located within the Downtown on Map 2 of the Official Plan, and is designated Regeneration Areas on Map 18 of the Official Plan. The site is subject to the King-Parliament Secondary Plan and is designated Regeneration Area 'A' (Jarvis-Parliament) on Map 15-2 of the Secondary Plan.

See Attachment 5 for the subject site's Official Plan designation.

### **TOcore: Planning Downtown**

City Council adopted the Downtown Plan Official Plan Amendment ("OPA 406"), as amended, at its meeting of May 22-24, 2018. The Council decision is available here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG29.4>

Further, City Council authorized the City Planning Division to seek provincial approval of OPA 406 under Section 26 of the Planning Act, and enacted By-law 1111-2018 on July 27, 2018. The By-law is available here: <https://www.toronto.ca/legdocs/bills/2018/bill1109.pdf>

Council has directed staff to use the policies contained within the Downtown Plan to inform evaluation of current and future development applications in the Downtown Plan area while the OPA is under consideration by the Minister.

OPA 406 was submitted to the Ministry of Municipal Affairs and Housing on August 9, 2018 and deemed complete after the adoption of the Downtown Plan by Council. The site is designated Mixed Use Areas 2 - Intermediate Area on Map 41-3 of the Downtown Plan.

### **Official Plan Amendment 352 – Updating Tall Building Setbacks Downtown**

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

Further background information can be found at [www.toronto.ca/tocore](http://www.toronto.ca/tocore).

## **St. Lawrence Neighbourhood Heritage Conservation District Plan**

On December 9, 2015, City Council adopted the St. Lawrence Neighbourhood Heritage Conservation District ("HCD") Plan, which is not yet in effect because it is subject to several appeals to the Local Planning Appeal Tribunal. Despite the HCD Plan not yet being in effect, the policies and guidelines provided in the Plan are the outcome of a thorough planning analysis with an emphasis on heritage conservation and are relevant in evaluating development proposals.

The overall objective of the HCD Plan is to protect and conserve the heritage value of the St. Lawrence neighbourhood. The HCD Plan seeks to guide change within the neighbourhood while maintaining its heritage attributes. The policies and guidelines contained within the HCD Plan have been formulated to assist property owners in ensuring that proposed alterations conform to the district objectives and respect the overall neighbourhood context.

The properties at 33 Sherbourne Street and 178 Front Street East are located within the HCD Plan's Front Street Sub Area and are identified as "contributing properties".

### **Zoning By-laws**

The site is zoned RA under Zoning By-law 438-86. Under Zoning By-law 569-2013, the site is zoned CRE (x73). Both By-laws refer to a maximum height of 30 metres.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

### **Design Guidelines**

The following design guidelines will be used in the evaluation of this application:

- City-wide Tall Building Design Guidelines;
- King-Parliament Urban Design Guidelines; and
- Growing Up: Planning for Children in New Vertical Communities Draft Urban Design Guidelines.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

### **Site Plan Control**

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted.

## **COMMENTS**

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### **Reasons for the Application**

The proposal requires an amendment to Zoning By-laws 438-86 and 569-2013 for the properties at 33 Sherbourne Street and 176-178 Front Street East to vary performance standards, including: increase in building height; reduction of minimum tall building setbacks; reduction in amenity space provisions; and reduced parking standards, among others.

### **ISSUES TO BE RESOLVED**

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

### **Provincial Policies and Plans Consistency/Conformity**

Staff will continue to evaluate this planning application for consistency with the PPS (2014) and conformity with the Growth Plan (2017).

- Given the recognition in Provincial Policy of the importance of official plans and long term planning, conformity with the PPS and the Growth Plan will be informed by conformity with the Official Plan.

### **Official Plan Conformity**

Staff will continue to evaluate this planning application against the Official Plan to determine the application's conformity to the Official Plan including the King-Parliament Secondary Plan and the Downtown Plan which is not yet in force, but has been adopted by Council and is subject to Ministerial approval at this time.

Staff will continue to assess the suitability of the proposed height, massing, and other built form issues based on Section 2 d), j), p) and r) of the Planning Act; the PPS, the Growth Plan (2017), the City's Official Plan policies and the City-wide Tall Building Design Guidelines.

The following preliminary issues have been identified:

- The suitability of the proposed building height and massing, including setbacks and stepbacks, in relation to the area's existing built form character and scale;
- The appropriateness of the tower floor plate size and tower setbacks;

- The appropriateness of the base building's mass and height;
- The provision of adequate amenity space and the appropriate mix and size of dwelling units;
- The appropriate balance of land uses for the site; and
- The appropriate conservation of heritage resources on-site and adjacent to the site.

Additional issues may be identified through the review of the application, including further review from City divisions and agencies and the public consultation process.

### **Heritage Conservation**

As indicated earlier in this report, the properties at 33 Sherbourne Street and 178 Front Street are identified as "contributing properties" in the St. Lawrence Neighbourhood HCD Plan. The subject site is also adjacent to the property at 251 King Street East, designated under Part IV of the Ontario Heritage Act and included in the City's Heritage Register.

- A Heritage Impact Assessment was submitted and is currently under review by City staff.

### **Archaeological Assessment**

The subject site is identified as an area of archaeological resource potential.

- A Stage 1 Archaeological Resource Assessment was submitted and is currently under review.

### **Community Services and Facilities**

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

- A CS&F Study was submitted and is currently under review by City staff.

### **Infrastructure/Servicing Capacity**

Staff and commenting agencies are reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro) to accommodate the proposed development.

- The applicant has submitted the following studies and reports which are being reviewed by Engineering and Construction Services staff: a Functional Servicing and Stormwater Management Report; Hydrogeological Report; Geotechnical Study; and Transportation Impact Study.

Staff will continue to assess:

- The Servicing Report provided by the applicant, to evaluate the effects of the development on the City's municipal servicing infrastructure and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide adequate servicing to the proposed development; and
- The Transportation Impact Study submitted by the applicant, to evaluate the effects of the development on the transportation system, and to identify any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development.

### **Section 37 Community Benefits**

The Official Plan provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

The proposal at its current height will be subject to Section 37 contributions under the Planning Act. Section 37 benefits have not yet been discussed. City staff intends to apply Section 37 provisions of the Planning Act should this application be approved in some form. Potential benefits may include: provision for affordable housing units; local streetscape and parkland improvements; heritage interpretation; child care facilities; and community space.

## **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

Staff will continue to assess:

- the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures.

## **Other Matters**

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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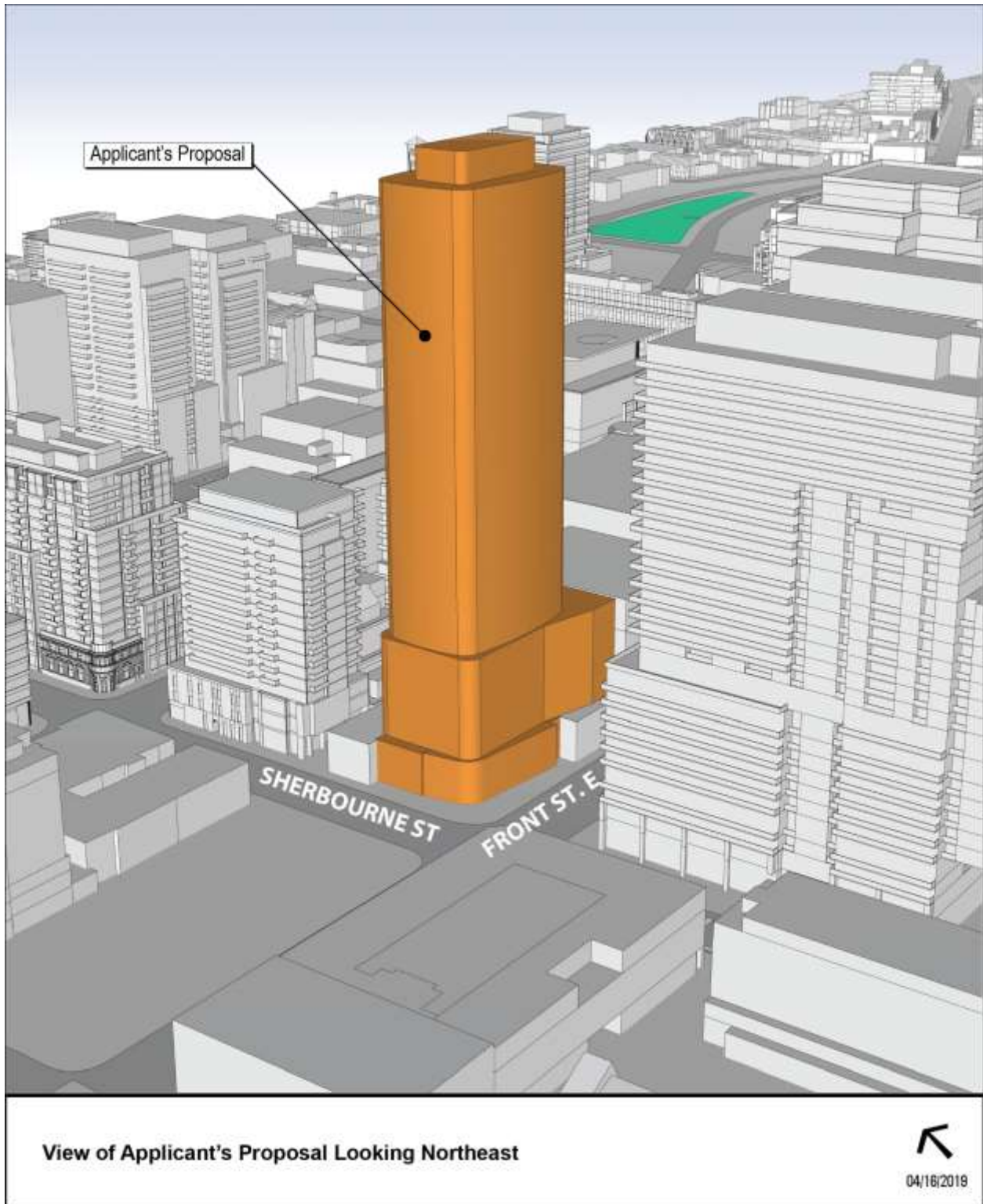
Lynda H. Macdonald, MCIP, RPP, OALA,  
Director, Community Planning  
Toronto and East York District

## **ATTACHMENTS**

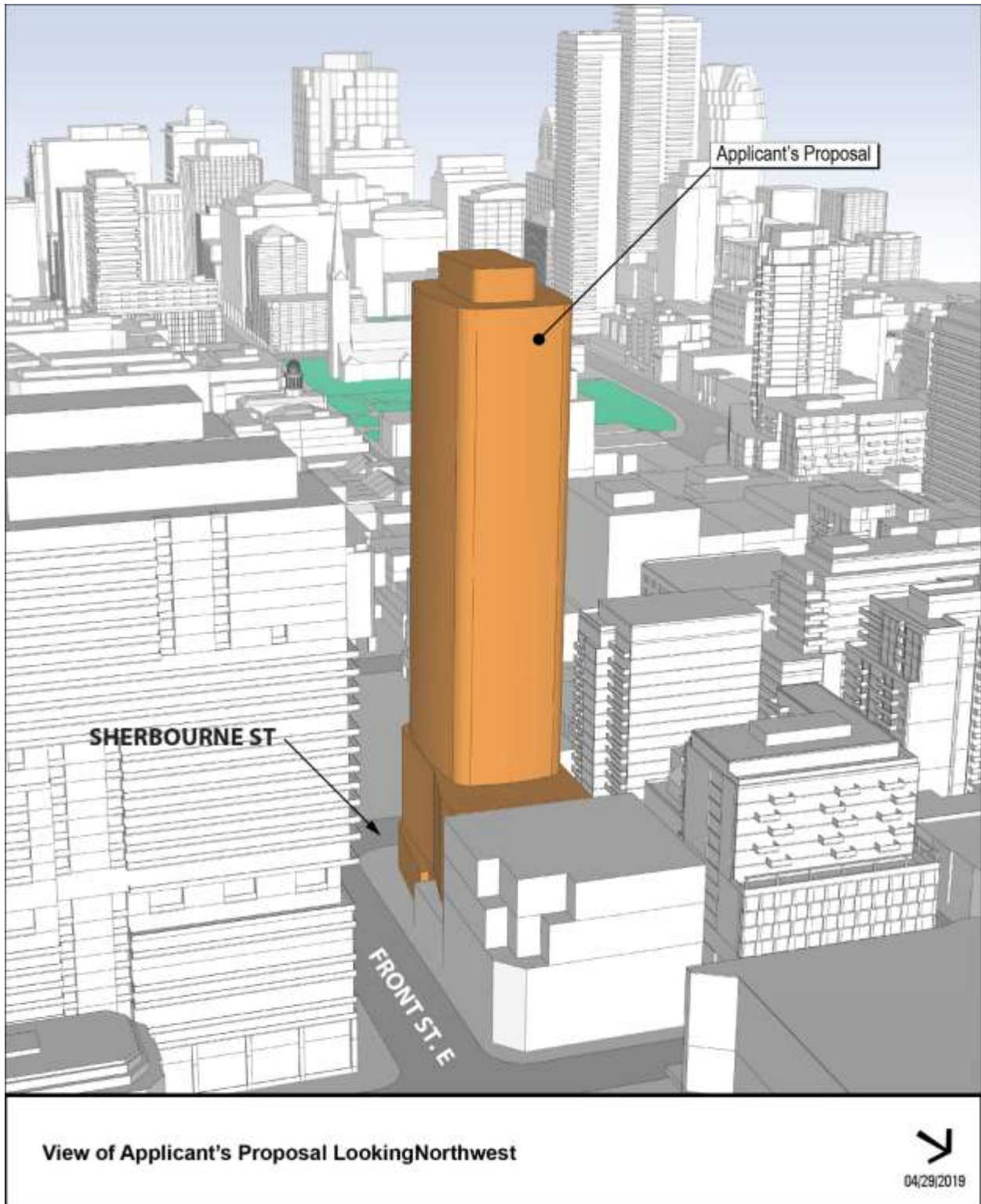
Attachment 1: 3D Model of Proposal in Context (Looking North-east)  
Attachment 2: 3D Model of Proposal in Context (Looking North-west)  
Attachment 3: Location Map  
Attachment 4: Site Plan  
Attachment 5: Official Plan Map  
Attachment 6: Application Data Sheet



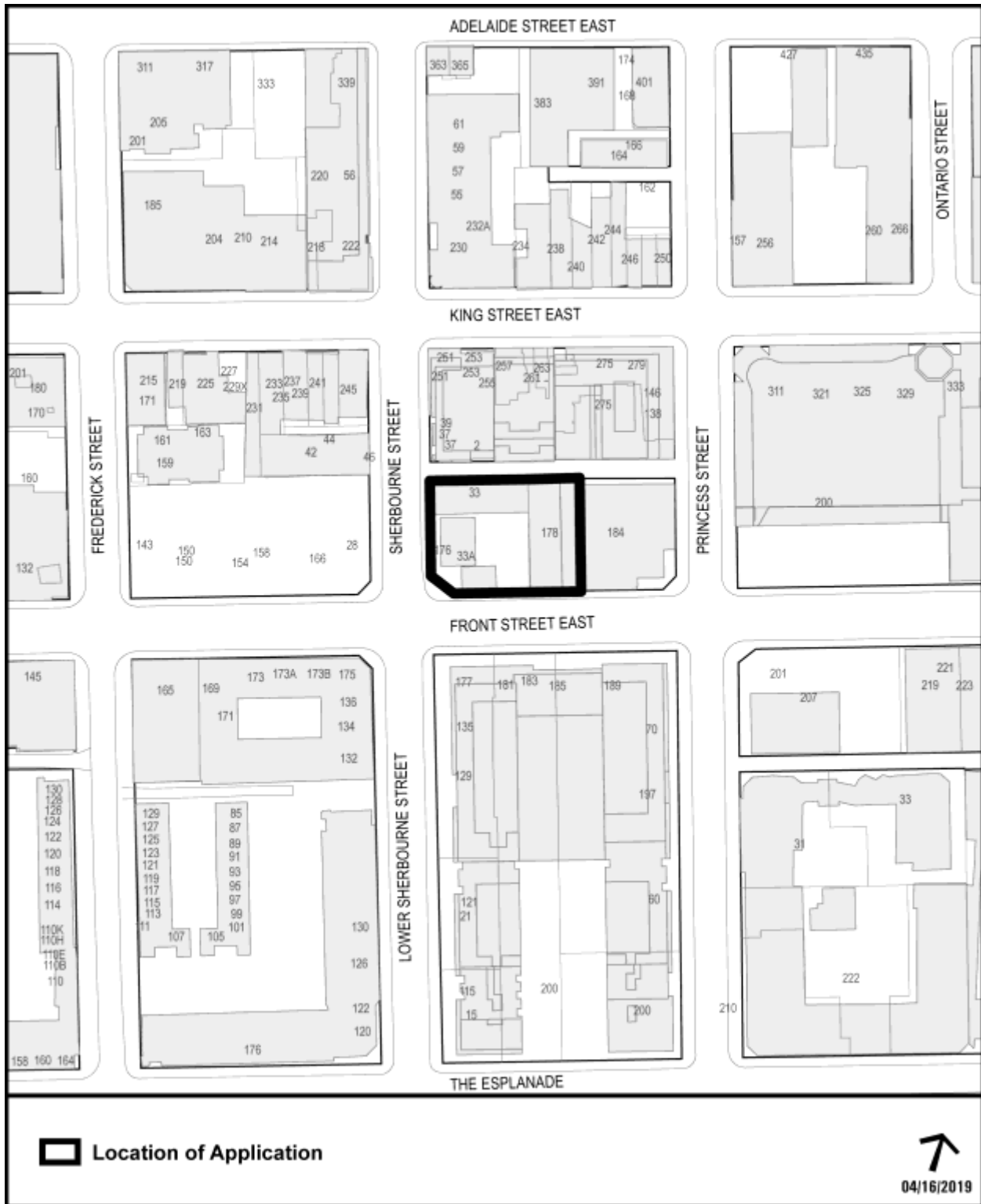
**Attachment 1: 3D Model of Proposal in Context (Looking North-east)**



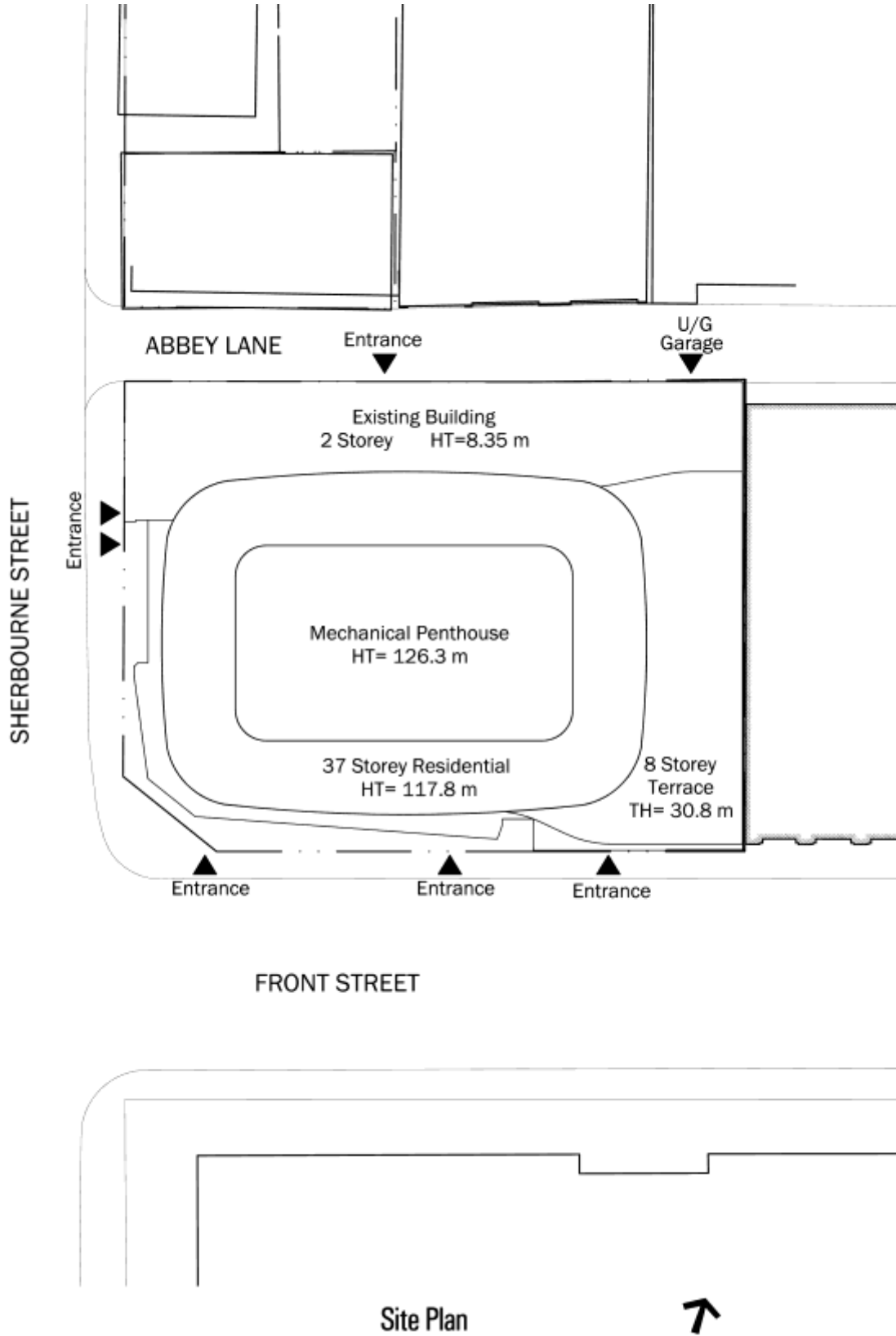
**Attachment 2: 3D Model of Proposal in Context (Looking North-west)**



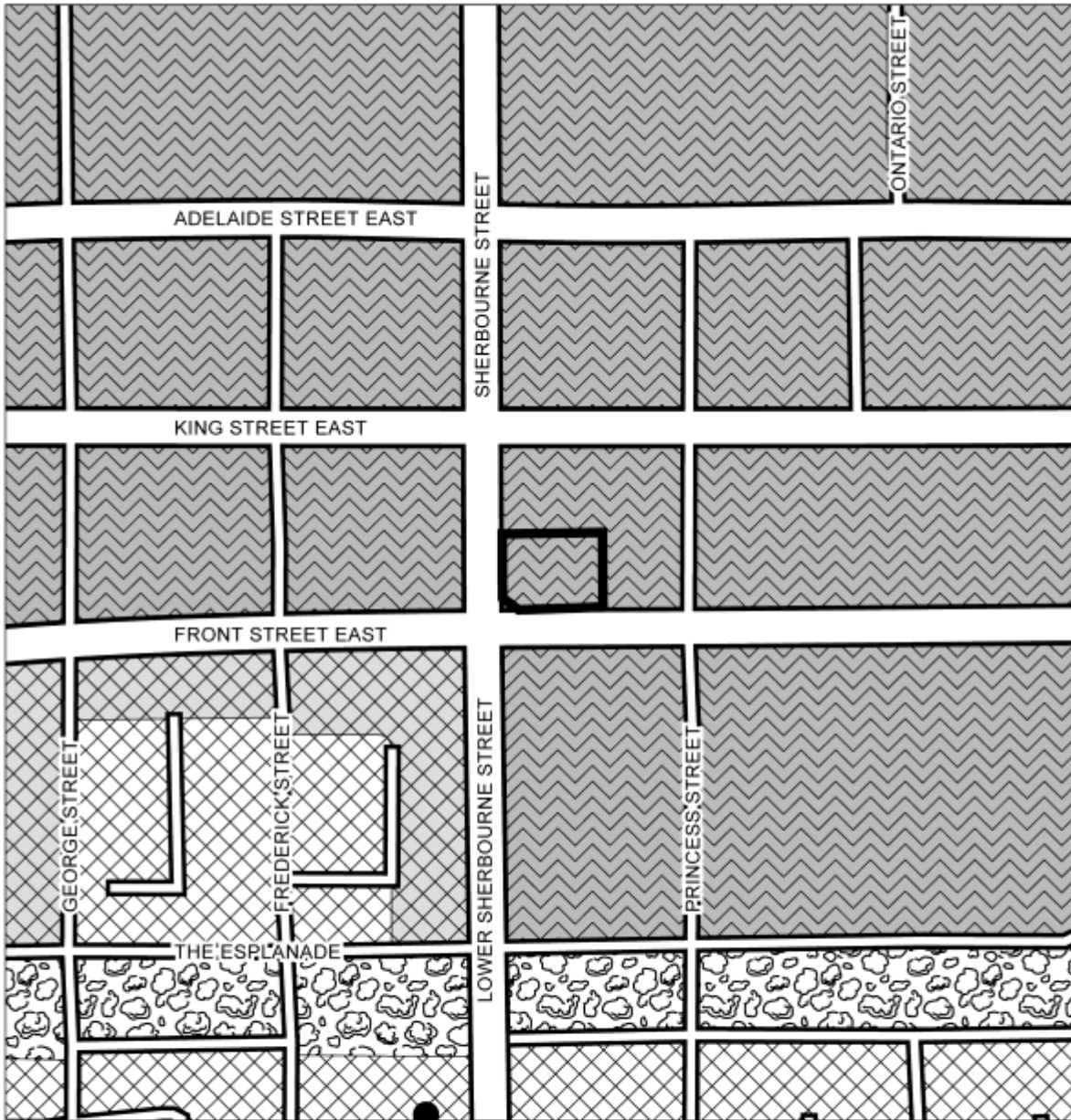
### Attachment 3: Location Map



**Attachment 4: Site Plan**



# Attachment 5: Official Plan Map



**TORONTO**  
**Official Plan Land Use Map #18**

**33 Sherbourne Street and  
 176 & 178 Front Street East**  
 File # 19 124407 STE 13 0Z

-  Location of Application
-  Apartment Neighbourhoods
-  Mixed Use Areas
-  Regeneration Areas
-  Parks & Open Space Areas
-  Parks

  
 Not to Scale  
 04/16/2019

## Attachment 6: Application Data Sheet

Municipal Address: 33 Sherbourne St., Date Received: March 12, 2019  
176 & 178 Front St.  
E.

Application Number: 19 124407 STE 13 OZ

Application Type: Rezoning

Project Description: Zoning By-law Amendment to permit a 37-storey building consisting of a 2-storey base building and a 35-storey tower with an overall height of 126.4m (including mechanical penthouse). The application proposes 439 residential units and 1,427.2 sq.m. of retail uses. A total of 91 vehicle parking spaces will be provided in 3 levels of underground parking.

Applicant	Agent	Architect	Owner
Front-Sherbourne Developments Inc.		Giannone Petricone Associates	Jet Transportation Ltd.

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	
Zoning:	CRE (x73)	Heritage Designation:	Y
Height Limit (m):	30	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m): 1,907      Frontage (m): 51      Depth (m): 38

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,030		1,717	1,717
Residential GFA (sq m):			29,190	29,190
Non-Residential GFA (sq m):	2,699		1,427	1,427
Total GFA (sq m):	2,699		30,617	30,617
Height - Storeys:	2		37	37
Height - Metres:			118	118

Lot Coverage Ratio (%): 90.03      Floor Space Index: 16.05

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	29,094	96
Retail GFA:	1,427	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			439	439
Other:				
Total Units:			439	439

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		46	301	47	45
Total Units:		46	301	47	45

Parking and Loading

Parking Spaces:	91	Bicycle Parking Spaces:	440	Loading Docks:	2
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