

## **383 and 387 Sherbourne St – Zoning Amendment and Rental Housing Demolition Applications – Request for Directions Report**

Date: May 6, 2022  
To: Toronto and East York Community Council  
From: Director, Community Planning, Toronto and East York District  
Ward: 13 - Toronto Centre

**Planning Application Number:** 21 189632 STE 13 OZ

**Related Application:** 21 189637 STE 13 RH

### **SUMMARY**

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On July 26, 2021, a Zoning By-law Amendment application was submitted for a new 49-storey apartment building with 483 units at 383 and 387 Sherbourne Street. A Rental Housing Demolition application has been submitted to permit the demolition of 32 existing residential rental units located at 383 Sherbourne Street. A Rental Housing Demolition application to demolish 44 units at 387 Sherbourne Street has not been submitted.

On January 26, 2022, the Applicant appealed the application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the 90-day time frame in the Planning Act.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose the application in its current form.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the Zoning By-law Amendment appeal for the lands at 383 and 387 Sherbourne Street.
2. In the event that the Ontario Land Tribunal allows the appeal in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Orders be withheld until such time as the City Solicitor advises that:

Request for Direction Report - 383 and 387 Sherbourne Street

- a) the final form and content of the draft Zoning By-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
- b) the owner has provided confirmation of water, sanitary and stormwater capacity to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- c) the owner has entered into the appropriate agreement(s) with the City for the design, construction and financial securities for any improvements to the municipal infrastructure, in connection with a Functional Servicing Report as accepted by the City's Executive Director, Engineering and Construction Services should such Director determine that improvements to such infrastructure are required, to support the development, all to the satisfaction of the Executive Director of Engineering and Construction Services
- d) the owner has secured replacement of the same number, bedroom type and size and with similar rents of the existing rental housing at 383 and 387 Sherbourne Street;
- e) the owner has secured an acceptable Tenant Relocation and Assistance Plan addressing the right for existing and former tenants to return to a replacement rental unit on the lands at similar rents, the provision of alternative accommodation at similar rents, and other assistance to mitigate hardship, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
- f) City Council has approved the Rental Housing Demolition application 21 189637 STE 13 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006 to permit the demolition of the existing rental dwelling units at 383 and 387 Sherbourne and the owner has entered into, and registered on title to the lands, one or more agreements with the City, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, securing all rental housing-related matters necessary to implement City Council's decision; and
- g) where applicable community benefits and other matters in support of the development are to be secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
- h) the owner has entered into a Heritage Easement Agreement with the City for the property at 383 and 387 Sherbourne Street to the satisfaction of the Senior Manager, Heritage Planning including registration of such agreement to the satisfaction of the City Solicitor.
- i) the owner has provided a detailed Conservation Plan, prepared by a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Planning.

3. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

## **FINANCIAL IMPACT**

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The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

## **SITE AND SURROUNDING AREA**

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**Site Description and Dimensions:** The site is located on the east side of Sherbourne Street, north of Carlton Street. The site is generally square, with a narrow extension east to Bleecker Street. The site is 1,497 square metres in size, has a frontage of 37.8 metres on Sherbourne Street and 2.4 metres on Bleecker Street.

**Existing Use:** The site is currently occupied by two 4-storey apartment buildings. The building at 383 Sherbourne Street contains 32 rental units (18 studio units, 14 one-bedroom units) with three units currently vacant. The building at 387 Sherbourne Street contains 44 rental units (24 studio units and 20 one-bedroom units) and all units are currently vacant. A fire occurred at 387 Sherbourne in 2017 and the building was vacated by the owner.

### **Surrounding uses include:**

**North:** A 4-storey apartment building and a 'Green P' parking lot

**East:** 3-storey semi-detached houses and a 2-storey apartment building

**South:** Sacre-Coeur Catholic Church and associated 2-storey dwelling

**West:** 3-storey detached houses and a 10-storey apartment building

## **THE APPLICATION**

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### **Description**

**Height:** A 49-storey residential building (154.5 metres to the top of the mechanical penthouse) with a 4-storey base building.

**Density (Floor Space Index):** 18 times the area of the lot.

**Unit count:** 483 dwelling units (90 studio units (18.5%), 290 one-bedroom units (60%), 62 two-bedroom units (13%), and 41 three-bedroom units (8.5%)).

**Heritage:** The subject properties 383-387 Sherbourne Street are designated under Part V of the Ontario Heritage Act within the Cabbagetown Northwest Heritage Conservation District.

### **Additional Information**

**See Attachments** 1-5 of this report for a location map, Application Data sheet, three-dimensional representations of the project in context, and a site plan of the proposal. The Application Data sheet contains additional details of the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

All plans and reports submitted as part of the application can be found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

### **Reasons for the Application**

The Zoning By-law Amendment application proposes to amend Zoning By-laws 438-86 and 569- 2013 to vary performance standards including: building height; density; building setbacks; building depth; landscaped open space; amenity space and parking and loading requirements.

A Rental Housing Demolition application has been submitted to permit the demolition of 32 existing residential rental units located at 383 Sherbourne Street. Staff have identified the need for a Rental Housing Demolition application to demolish 44 existing rental units at 387 Sherbourne, however one has not yet been submitted.

### **Site Plan Control**

The proposal is subject to Site Plan Control. A Site Plan Control application has not been submitted but will be required.

## **POLICY CONSIDERATIONS**

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**Official Plan Designation:** The site is located on lands designated Apartment Neighbourhoods on Map 18 of the Official Plan. The property is located within the Downtown Secondary Plan Area.

**Official Plan Housing Policy:** Applications proposing to demolish six or more rental dwelling units (except where all the rents are above the mid-range rent category) are required to replace the existing rental dwelling units with the same number, size and type of rental dwelling units and maintain them with similar rents. An acceptable tenant relocation and assistance plan is also required to address moving related costs, alternative accommodation and other assistance to lessen hardship.

**Zoning:** The site is zoned R(d2.0) (x970), under Zoning By-law 569-2013 and R2 Z0.6 under Zoning By-law 438-86; both of which permit a variety of residential uses including apartment buildings with a maximum density of 2.0 times the area of the site. The maximum permitted building height is 30.0 metres.

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

Section 111 of the City of Toronto Act, 2006 authorizes the City to regulate the demolition of residential rental properties. Chapter 667 of the Toronto Municipal Code, the Residential Rental Property Demolition and Conversion Control By-law, implements Section 111. The By-law prohibits the demolition of rental housing in any building or related group of buildings containing six or more residential units, of which at least one is a rental unit, without obtaining a permit from the City and requires a decision by either City Council or, where delegated, the Chief Planner. Decisions by City Council and the Chief Planner under Chapter 667 are final and not appealable to the OLT.

**Additional information:** See Attachment 6 for applicable policy documents and implementation guidelines.

## **COMMUNITY CONSULTATION**

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A Virtual Community Consultation Meeting was hosted by City staff on January 16, 2022. Approximately 50 people participated, as well as the Ward Councillor. Following a presentation by City staff and the Applicant, the following comments and issues were raised:

- Concerns respecting the built form including height, setbacks, and wind and shadow impacts;
- Concerns that the proposed development would change the neighbourhood character;
- Various issues and concerns from existing tenants related to timing, right to return, future rents and uncertainty respecting finding affordable housing while relocated;
- Lack of provision of new affordable housing in the proposal;
- Concerns respecting the potential for additional properties on Bleeker Street to be added to the development given recent inquiries to owners of adjacent homes on Bleeker Street;
- Lack of community benefits; and
- There was also support for the proposal from a few individuals.

## **COMMENTS**

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### **Provincial Framework**

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement (PPS), and conformity with the Growth Plan. Staff find the proposal to be generally consistent with the PPS and in conformity

with the Growth Plan. All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS, and shall conform to provincial plans.

### **Height and Massing**

The proposed tall building does not provide adequate setbacks to the adjacent properties to the south and east. The 5.1 and 5.5 metre setbacks of the tower portion of the building to the south and east property lines are significantly less than the 12.5 metres recommended in the Tall Building Design Guidelines and set out in OPA 352 and its implementing by-laws.

The proposed 49 storeys (154.5 metres) building is too tall and the site design has not demonstrated that the site can accommodate a tall building and achieve appropriate tower setbacks, improvements to the public realm and fit within the existing and planned context, as required by the Official Plan, the Downtown Plan and the Tall Building Design Guidelines. Development at this location should be of a mid-rise form.

### **Built Form - Heritage**

The subject properties 383 and 387 Sherbourne Street are designated under Part V of the Ontario Heritage Act within the Cabbagetown Northwest Heritage Conservation District.

While the Cabbagetown Northwest Heritage Conservation District Plan (HCD Plan) does not list contributing and non-contributing properties, it describes the cultural heritage value of the area as being defined by "the overall character of the original Victorian neighbourhood [...] together with representation from later architectural styles" (Section 2.1). In addition, the HCD Plan states, "Within the Cabbagetown Northwest Heritage Conservation District, the majority of properties constructed prior to 1960 are considered to be of heritage value and interest. It is the intent of this plan that in the consideration of permit applications these existing heritage structures should be retained and demolition of buildings discouraged" (Section 6.2). As such, both of the existing buildings on the site are heritage buildings that are "of heritage value and interest".

The application proposes the retention in situ of the west front wall, south side wall, east rear wall and a portion of the north side wall of 383 Sherbourne Street. The building at 387 Sherbourne Street is proposed to be demolished and commemorated through new construction.

### **Shadow Impacts**

The applicant submitted a shadow study which shows the proposed building's shadows on March 21st and September 21st. The Official Plan states that new buildings in Apartment Neighbourhoods should be located and massed to limit shadow impacts on properties in adjacent lower-scale neighbourhoods, particularly during the spring and fall equinoxes. The proposed development has significant shadow impact on the adjacent neighbourhood, the public realm and parks and open spaces.

The Downtown Secondary Plan Policy 9.17 directs development to adequately limit shadows on parks as necessary to preserve their utility. Furthermore, the Downtown Tall Buildings Design Guidelines state that every effort will be made to design and orient tall buildings to minimize their shadow impact on all publicly accessible parks. The proposal creates shadows on both Winchester Park and Winchester Square Park which should be eliminated.

## **Wind**

A Pedestrian Level Wind Assessment was prepared by Theakston Environmental, dated June 8, 2021. The Assessment concludes that conditions adjacent to the building entrance and at the outdoor amenity areas are expected to be comfortable for 'leisurely walking' which is not suitable for these locations. A wind comfort of 'sitting' for spring, summer and fall should needs to be achieved in these locations.

If the application is approved in some form, the applicant will be required to provide a mitigation measures to achieve the desirable wind condition at the building entrance and outdoor amenity area.

## **Streetscape**

The proposed location of street trees does not fit with the streetscape on Sherbourne Street. The existing context consists of the sidewalk next to the road and street trees adjacent to residential uses, which include landscaped front yard setbacks. There are utility conflicts where the trees are currently proposed. The trees should be relocated to the landscaped front yard.

## **Servicing**

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the site and are currently under review by Engineering and Construction Services.

In the event that the OLT allows the Zoning By-law Amendment appeal in whole or in part, staff recommend that the final Order be withheld, pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law amendment.

## **Open Space/Parkland**

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The non-residential component of this proposal is subject to a 2% parkland dedication while the residential component is subject to a cap of 10% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application

for the first above grade building permit and is valid for six months. Payment will be required prior to the issuance of the first above grade permit.

### **Parking and Loading**

A total of 92 parking spaces are proposed in a four level underground garage. At the current time, none of the spaces are designated for visitors. The proposed vehicular access to the underground parking garage would be located off Sherbourne Street at the north end of the site. A total of 485 bike parking spaces are being proposed, consisting of 50 short-term spaces at grade and 435 long-term spaces on the P1 parking level.

The applicant is proposing one type-G loading space. Transportation Services have reviewed the application and require the provision of on-site car-share spaces and memberships to car-share and bike-share for the first year of occupancy, as well as an on-site bike repair station.

### **Unit Mix and Size**

The Downtown Secondary Plan requires a minimum of 15 per cent of the total number of units as 2-bedroom units, a minimum of 10 per cent of the total number of units as 3-bedroom units and an additional 15 per cent of the total number of units will be a combination of 2- bedroom and 3-bedroom units, or units that can be converted to 2-bedroom and 3-bedroom units through the use of adaptable design measures.

The proposal contains 62 two-bedroom units (13%), and 41 three-bedroom units (8.5%) which does not conform with the Downtown Secondary Plan.

### **Rental Housing**

The subject site contains 76 rental dwelling units. 383 Sherbourne Street contains 32 units (18 studio units, 14 one-bedroom units), of which, 20 units have affordable rents (at or below average market rent) and 12 have mid-range rents (up to 1.5 times average market rent). Average unit sizes are 34.67 square metres for the studio units and 48.20 square metres for the one-bedroom units. At the time of application, the building was fully occupied with the exception of three units.

According to various property records, 387 Sherbourne Street contains 44 units (24 studio units and 20 one-bedroom units). Unit sizes and rents for the existing rental units at 387 Sherbourne have not been provided. A fire occurred in one of the rental units at 387 Sherbourne in 2017 and the building was vacated in order to address fire remediation work. However, the rental building remains intact and the owner has not received approval to demolish or remove the rental housing units. Staff have identified that the rental units in this property would need to be replaced in order to address Official Plan rental housing policy.

The owner has proposed the replacement of 32 rental units (13 studio units and 19 one-bedroom units) in the proposed development but has not provided information on replacement unit sizes or rents. The proposal does not address policy 3.2.1.6 as it does



not propose replacement of the same number, bedroom type, size and rent levels as the existing rental housing.

A Tenant Relocation and Assistance Plan is also required to be secured as part of the proposed development.

Should the OLT approve the application, staff will hold a consultation meeting with impacted tenants in order to receive input on rental demolition and tenant assistance matters. As well, the rental housing demolition application would need to be approved by City Council and all housing matters secured through one or more agreements registered on title to the lands pursuant to Section 111 of the City of Toronto Act, 2006.

### **Amenity Area**

Zoning By-law 438-86 requires a minimum of 2.0 square metres per unit each of indoor and outdoor amenity space, and Zoning By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit. The proposal includes 1,563 square metres of indoor amenity area (3.24 square metres per unit) and 368 square metres of outdoor amenity area (0.76 square metres per unit). The proposed amenity space meets the by-law requirements of By-law 569-2013, however the amount of outdoor amenity space should be increased to allow for a variety of uses.

### **Further Issues**

City Planning continues to receive additional information regarding this application as a result of ongoing review by City commenting divisions and agencies, materials submitted in support of the proposal and through deputation made by members of the public to Community Council. As a result, planning staff may continue to identify further issues or supplement the reasons for the recommendations made in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council, as necessary.

### **Conclusion**

The application has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan, including the Downtown Secondary Plan, and applicable City guidelines intended to implement Official Plan policies. As currently proposed, the application does not conform to the Official Plan including the Downtown Secondary Plan, and does not meet the intent of the Tall Building Design Guidelines.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the Application in its current form.

### **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

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Attachment 1: Location Map  
Attachment 2: Application Data Sheet  
Attachment 3: 3D Model of Proposal in Context Looking Northeast  
Attachment 4: West Elevation  
Attachment 5: Site Plan  
Attachment 6: Policy Considerations  
Attachment 7: Official Plan Land Use Map  
Attachment 8: Zoning By-law Map

Attachment 1: Location Map



## Attachment 2: Application Data Sheet

Municipal Address: 383 Sherbourne Street Date Received: July 26, 2021

Application Number: 21 189632 STE 13 OZ

Application Type: Rezoning

Project Description: Zoning By-law Amendment application to facilitate the development of the site for a 45-storey residential tower atop a 4-storey base building. The proposed residential gross floor area is 26,923 square metres. A total of 483 residential dwelling units are proposed, of which, 32 units will be rental replacement units.

Applicant	Agent	Architect	Owner
MHBC Planning Limited		IBI	NJS Sherbourne Inc

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	N
Zoning:	R (d2.0) (x970)	Heritage Designation:	Y
Height Limit (m):	30	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m): 1,497 Frontage (m): 38 Depth (m): 38

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	901		1,069	1,069
Residential GFA (sq m):	1,299		26,923	26,923
Non-Residential GFA (sq m):				
Total GFA (sq m):	1,299		26,923	26,923
Height - Storeys:	4		49	49
Height - Metres:			147	147

Lot Coverage Ratio (%): 71.41 Floor Space Index: 17.98

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	26,923	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	32		76	76
Freehold:				
Condominium:			407	407
Other:				
Total Units:	32		483	483

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	90	290	62	41	
Total Units:	90	290	62	41	

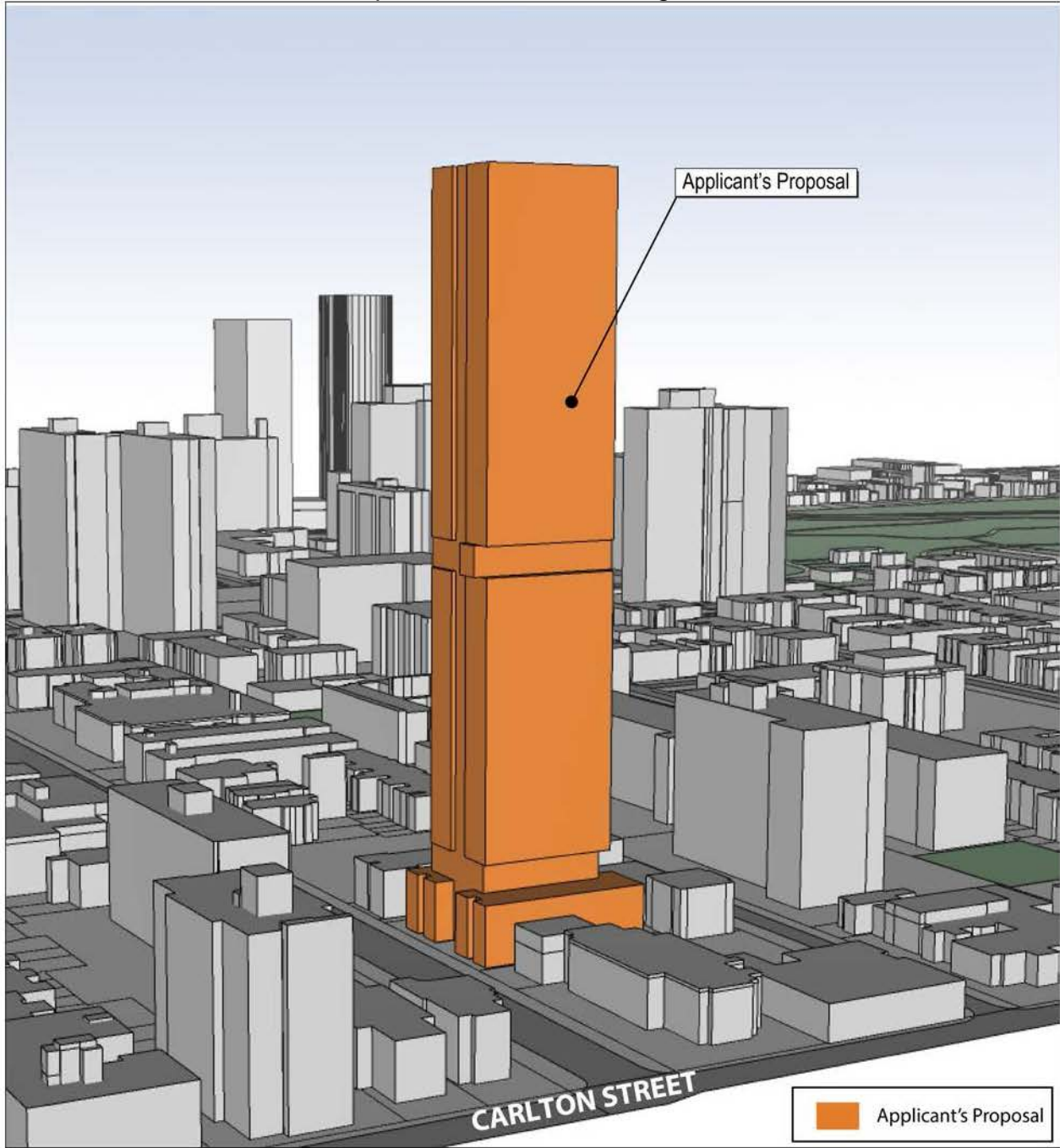
Parking and Loading

Parking Spaces:	92	Bicycle Parking Spaces:	485	Loading Docks:	1
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CONTACT:

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Attachment 3: 3D Model of Proposal in Context Looking Northeast



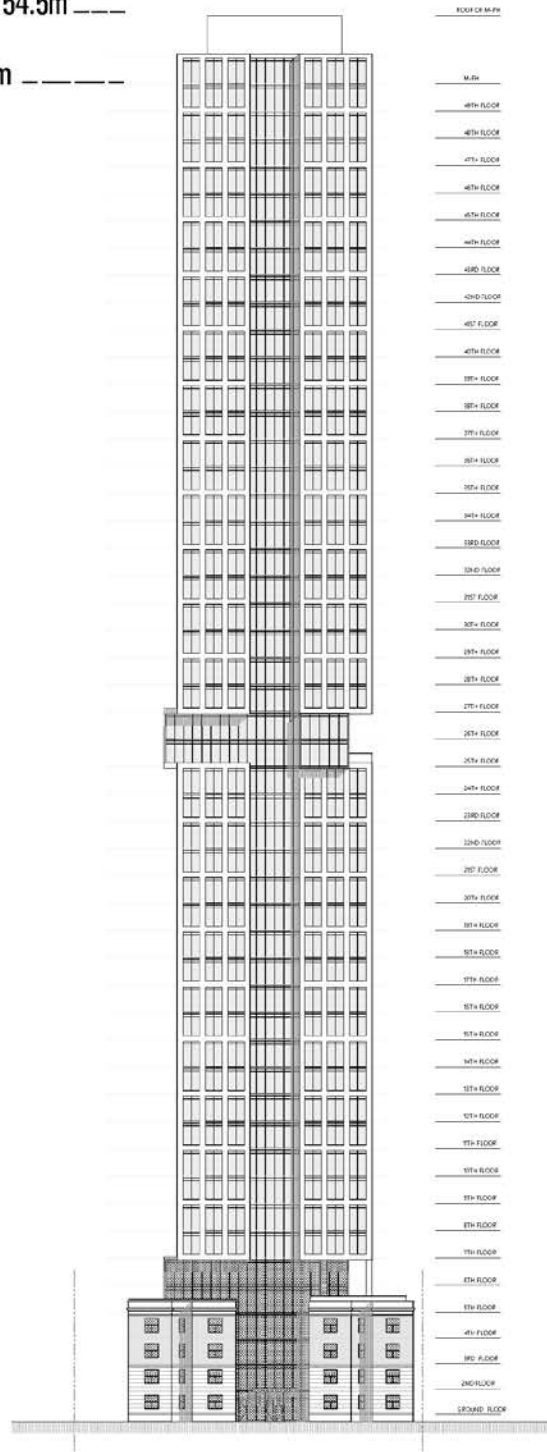
View of Applicant's Proposal Looking Northeast



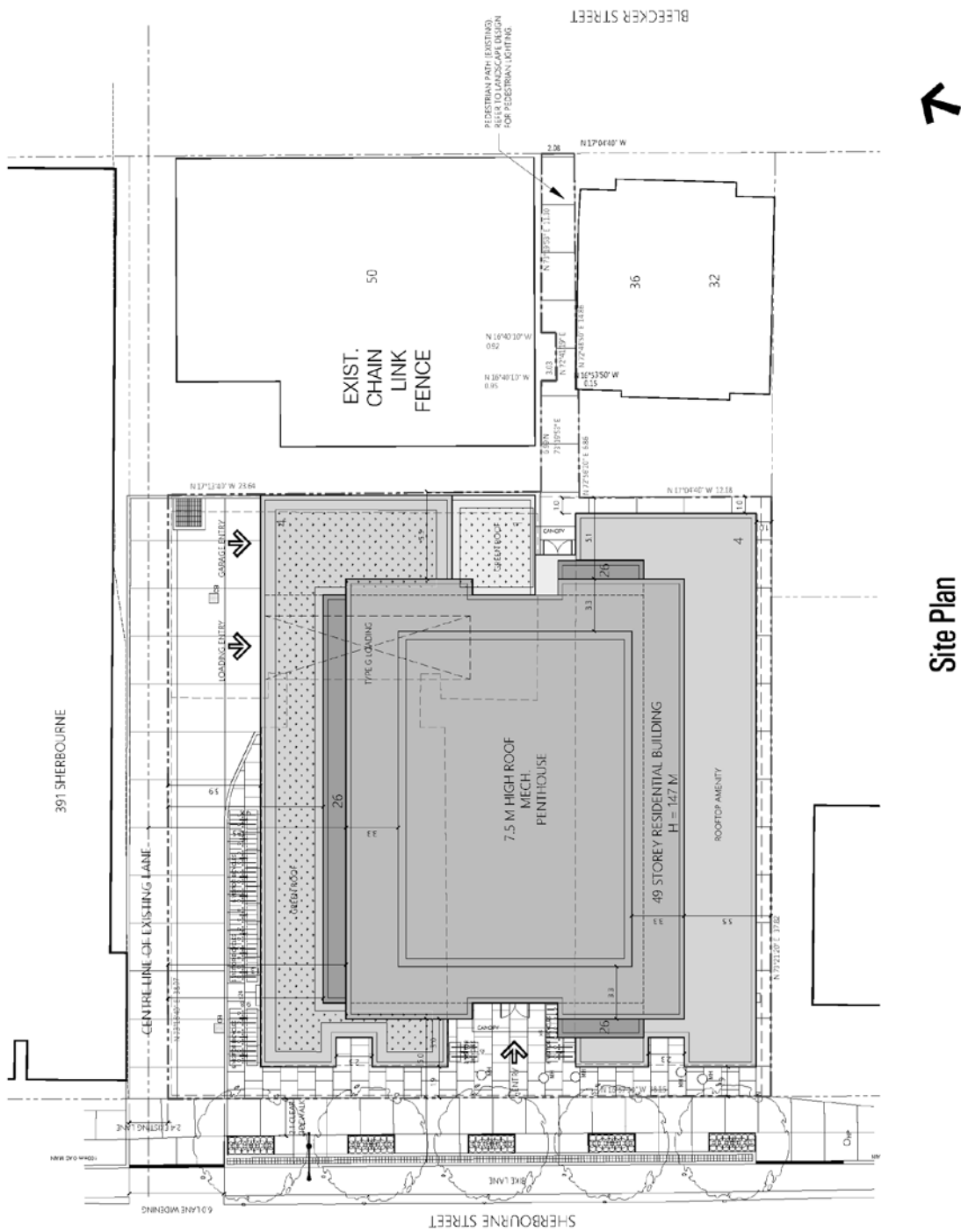
Attachment 4: West Elevation

TO Mechanical 154.5m -----

TO 49 FL 147.0m -----



West Elevation



Site Plan



## **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

### **The Provincial Policy Statement (2020)**

The Provincial Policy Statement (2020) (the "PPS") 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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. The PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

### **Provincial Plans**

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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.

The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020), take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

## **Planning for Major Transit Station Areas**

The Growth Plan (2020) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan (2020) requires that, at the time of the next MCR, the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities.

## **Official Plan**

The 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.

The Official Plan contains policies related to building complete communities, heritage preservation, community services, transportation, and environmental stewardship. The Official Plan also 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 of community benefits in the form of capital facilities.

The site is designated Apartment Neighbourhoods on Map 18 of the Official Plan. See Attachment 7 of this report for the Official Plan Land Use Map.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

## **Housing**

The Official Plan contain policies stating that the existing housing stock will be maintained, improved and replenished, and that the supply of new housing will be encouraged through intensification and infill that is consistent with the Official Plan.

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units. Policy 3.2.1.6 which applies to this proposed development, requires that new development that would result in the loss of six or more rental housing units which have affordable or mid-range rents will not be approved unless at least the same number, size and type of rental units are replaced and secured with similar rents for a period of at least 10 years and an acceptable Tenant Relocation and Assistance Plan is provided.

Under Policy 3.2.1.6 of the Official Plan, applicants proposing to demolish six or more rental dwelling units (except where all the rents are above the mid-range rent category) are required to replace the rental dwelling units with the same number, size and type of rental dwelling 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

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

Section 111 of the City of Toronto Act, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. The By-law prohibits the demolition or conversion of rental housing units in buildings containing six or more residential units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or the Chief Planner.

Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing. 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, City Council typically 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 Local Planning Appeal Tribunal.

## **Official Plan Amendment 406 - The Downtown Plan**

Official Plan Amendment 406 (the Downtown Plan) was adopted by City Council May 22, 2018 and Approved by the Ministry June 5, 2019. OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. It applies to all applications deemed complete after June 5, 2019. This application was deemed

complete after June 5, 2019 and as such the plan is in full force and effect for this application.

The Plan – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities – provides a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain liveability, achieve complete communities and ensure there is space for the economy to grow. The Plan area is generally bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east.

The Downtown Plan can be found here:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135953.pdf>

### **Official Plan Amendment 352 – Downtown Tall Building Setback Area**

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area. 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, which provide the detailed performance standards for portions of buildings above 24 metres in height. This 24 metre threshold was subsequently increased to 36 metres by the OLT. The OPA and implementing by-laws were approved by the Tribunal on May 28, 2021 for the majority of the Downtown, including this Site. The proposal is for a 154.5 metre tall building.

The Official Plan Amendment can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.7>

### **Zoning By-laws**

The site is zoned R(d2.0) (x970), under Zoning By-law 569-2013 and R2 Z0.6 under Zoning By-law 438-86; both of which permit a variety of residential uses including apartment buildings with a maximum density of 2.0 times the area of the site. The maximum permitted building height is 30.0 metres.

The City's Zoning By-law 569-2013 can be found here:

<https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

See Attachment 9 of this report for the existing Zoning By-law Map.

### **Cabbagetown Northwest Heritage Conservation District**

The Cabbagetown Northwest Heritage Conservation District (HCD) is designated under Part V of the Ontario Heritage Act, and properties within the HCD are subject to the policies in the HCD Plan. The designation and plan provide for the protection, conservation and management of the heritage properties so that the District's cultural heritage value is protected in the long term. The objective of the HCD Plan is to conserve the predominant scale and built form pattern in the HCD, while allowing for growth and change. The HCD Plan ensures that new development and additions conserve and enhance the cultural heritage value of the District, particularly with respect to scale, public realm and built form pattern.

Cabbagetown is a residential community with a Victorian character visible in the relatively unchanged streetscapes. There are many surviving examples of row housing and single-family residences with late 19th century architectural styles and an integrity of form. The most visible and important characteristic of the District today consists of the virtually unbroken streetscapes of 2½ to 3-storey Victorian houses and other buildings.

The HCD plan is available on the City's website: <https://www.toronto.ca/wp-content/uploads/2018/01/9695-Cabbagetown-Northwest-District-Plan-August-2007-Draft.pdf>

## **Urban Forestry**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law).

## **Design Guidelines**

Official Plan Policy 5.3.2.1 states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Policy 2.2.1.6 also refers to design guidelines to ensure new development respects context. Urban design guidelines are intended to provide a more detailed framework for built form and public improvements. This application was reviewed using the City-Wide Tall Building Design Guidelines, Downtown Tall Buildings: Vision and Supplementary Design Guidelines, Growing Up Draft Urban Design guidelines and Pet Friendly Design Guidelines.

## **City-Wide Tall Building Design Guidelines**

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. 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. The link to the guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

## **Downtown Tall Buildings: Vision and Supplementary Design Guidelines**

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines. This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings.

The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate Downtown tall building proposals. The link to the guidelines is here:

<https://www.toronto.ca/wp-content/uploads/2018/03/9712-City-Planning-Downtown-Tall-Building-Web.pdf>.

## **Growing Up Urban Design Guidelines**

In July 2017, Toronto City Council adopted the Growing Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver

tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale.

The Guidelines can be found here: <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/growing-up-planning-for-children-in-new-vertical-communities/>

### **Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings**

The purpose of the Pet Friendly Design Guidelines is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities.

The link to the guidelines may be found here:  
<https://www.toronto.ca/citygovernment/planning-development/planning-studies-initiatives/pet-friendly-designguidelines-for-high-density-communities/>

### **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 intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner.

TGS Version 3.0 applies to new applications submitted on or after May 1, 2018.

Attachment 7: Official Plan Land Use Map



383 & 387 Sherbourne St

Official Plan Land Use Map #18

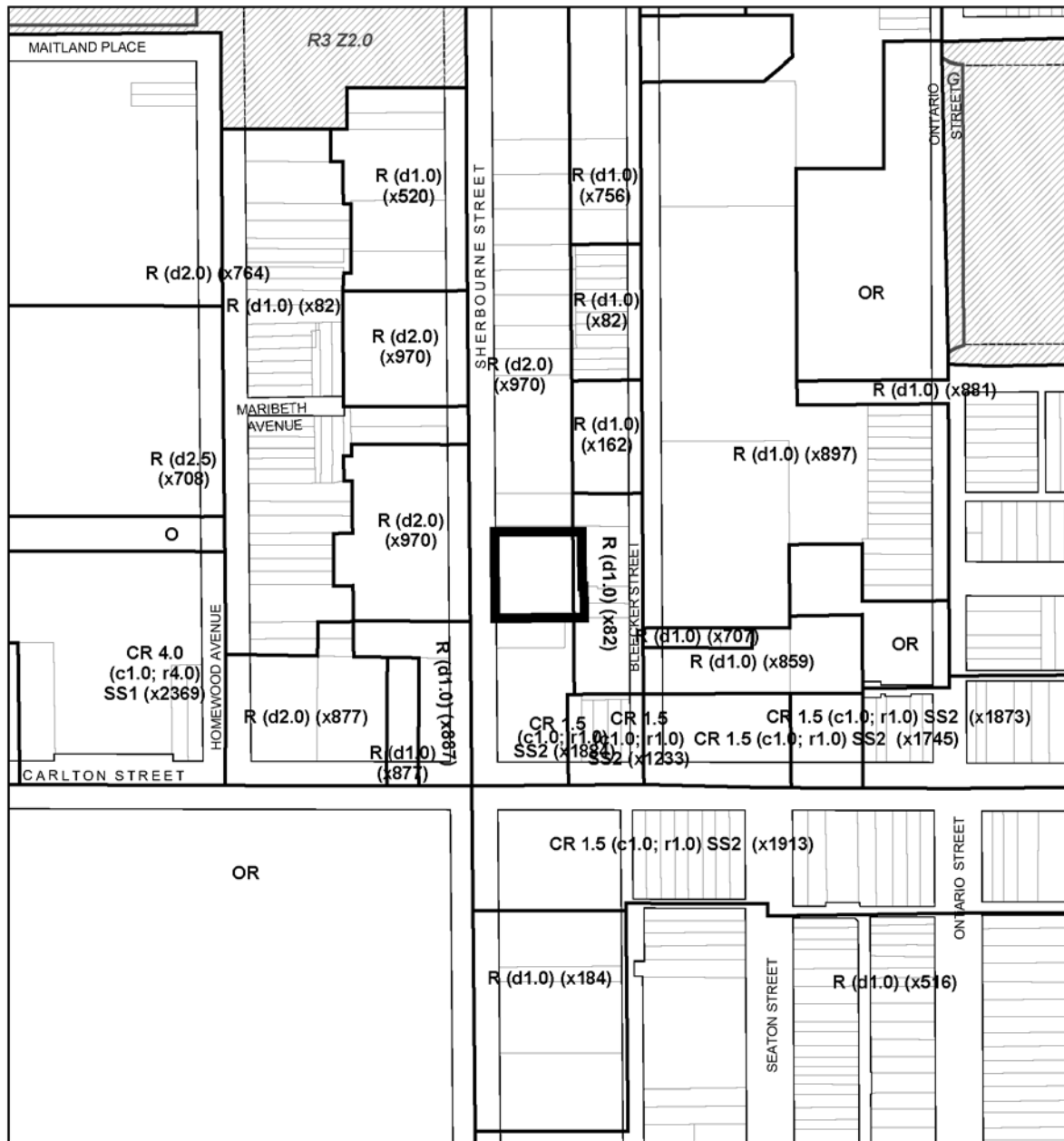
File # 21 189632 STE 13 0Z

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

↑  
Not to Scale  
12/14/2021



Attachment 8: Zoning By-law Map




Zoning By-law 569-2013

383 & 387 Sherbourne Street

File # 21 189632 STE 13 0Z

-  Location of Application
- R** Residential
- CR** Commercial Residential
- O** Open Space
- OR** Open Space Recreation

-  See Former City of Toronto By-law No. 438-86
- R4** Residential District
- CR** Mixed-Use District
- G** Parks District



Not to Scale  
Extracted: 08/03/2021