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December 11, 2023

Sent via E-mail

Toronto City Council
councilmeeting@toronto.ca

Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Tara L. Piurko
Direct Line: 416.595.2647
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File No. 0021115.1033

Attention: Members of City Council;

Re: Comments from the Toronto Catholic District School Board
410 Sherbourne Street, Toronto – Development Applications 21 235163 STE 13
OZ; 21 235164 STE 13 SA; 21 235374 STE 13 CD (the “Applications”)
Item TE9.19

Miller Thomson LLP is legal counsel for the Toronto Catholic District School Board (“**TCDSB**”), the registered owner of the property municipally known as 444 Sherbourne Street in the City of Toronto (the “**TCDSB Property**”). Our Lady of Lourdes Catholic School is located on the TCDSB Property.

We have been retained in relation to the review of the above-captioned development Applications for the property at 410 Sherbourne Street, located south of the TCDSB Property. The TCDSB has been closely monitoring the Applications submitted to seek approvals for a 42-storey, mixed-use development, containing 473 dwelling units and 240 square metres of non-residential space (the “**Proposal**”).

As a commenting agency, the TCDSB provided comments on the Applications through letters dated December 4, 2021, February 16, 2022 and September 25, 2023. Further, the TCDSB through its counsel, also made a written submission to the Toronto and East York Community Council dated November 13, 2023, attached hereto as Attachment A for Council’s consideration.

This Proposal was considered at the November 15, 2023 meeting of the Toronto and East York Community Council. While the application was recommended for approval by City staff, Community Council moved a motion to recommend the refusal of the application by Council. The TCDSB does not object to Community Council’s recommendation.

This matter is to be considered at the next Council meeting being held December 13, 2023. On behalf of the TCDSB, we submit this letter and Attachment A for City Council’s consideration and request that the TCDSB, through its counsel, be provided with notice of all City of Toronto meetings and decisions with respect to the Applications referred to above.

Should you have any questions or require further information with respect to the above, please do not hesitate to contact the undersigned or, in her absence, Sandra-Luna Martinez at sluna-martinez@millerthomson.com or 416-595-8565.

Yours truly,

A handwritten signature in black ink, appearing to read 'Tara L. Piurko', written in a cursive style.

Tara L. Piurko,

- c. Michael Loberto, TCDSB
- Erica Pallotta, TCDSB
- Sandra Luna-Martinez, Miller Thomson LLP



Attachment A



MILLER THOMSON
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November 13, 2023

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**Re: Comments from the Toronto Catholic District School Board
410 Sherbourne Street, Toronto – Development Applications 21 235163 STE 13
OZ; 21 235164 STE 13 SA; 21 235374 STE 13 CD (the “Applications”)
TEYCC Item TE9.20**

Miller Thomson LLP is legal counsel for the Toronto Catholic District School Board (“**TCDSB**”), the registered owner of the property municipally known as 444 Sherbourne Street in the City of Toronto (the “**TCDSB Property**”). Our Lady of Lourdes Catholic School is located on the Property.

Background

We have been retained in relation to the review of the above-captioned development Applications for the property at 410 Sherbourne Street, located south of the TCDSB Property.

The TCDSB has been closely monitoring the Zoning By-law Amendment, Site Plan and Plan of Condominium Applications (21 235163 STE 13 OZ; 21 235164 STE 13 SA and 21 235374 STE 13 CD, respectively) submitted to seek approvals for a 42-storey, mixed-use development, containing 473 dwelling units and 240 square metres of non-residential space (the “**Proposal**”). Due to the Proposal’s very close proximity to the TCDSB Property, the TCDSB has monitored and reviewed all re-submissions and revisions of the Proposal. We note that the Proposal has seen an increase in height and number of units since its initial submission.

TCDSB Concerns

As a commenting agency, the TCDSB provided comments on the Applications through letters dated December 4, 2021, February 16, 2022 and September 25, 2023. The communication provided to date has mainly focused on the new net shadow produced by the Proposal that will be cast on the school Property, specifically the Our Lady of Lourdes schoolyard. In the TCDSB’s review of the latest available shadow study dated July 11, 2023, the TCDSB identified new net shadow over the outdoor play space of the school from just after 9:18 am until just prior to 11:18 am on both March and September 21st, a time of the

day during which students' use and enjoyment of the play space will be impacted. The TCDSB has previously requested that:

- the developer reduce net new shadow that will be cast on the schoolyard by the Proposal, through additional design considerations;
- clarification be provided by the applicant describing the latest modifications made to the Proposal and how these modifications improve shadow conditions; and
- the TCDSB is permitted to be involved in the development of the Construction and Management Plan of the Proposal to address safety concerns.

It is the TCDSB's opinion that these requests and comments, to date, have not been addressed.

Further, we have now had the opportunity to review City staff's recommendation report dated October 25, 2023, which is to be considered at the November 15th, 2023 Community Council meeting, where staff have recommended the approval of the zoning application. In the report, staff have identified that new net shadow only occurs during the spring and fall months, for a limited amount of time, one hour. It has also indicated that there is no new net shadow during the summer months.

We take this time to offer our comments to Community Council and advise that the TCDSB continues to have concerns with the Proposal, its impacts on the school Property with respect to shadowing and with the lack of response and feedback from the applicant.

TCDSB Request

The TCDSB submits that at this time, it would be premature to accept staff's recommendation to approve the zoning application until further discussions are had to identify and consider the latest modifications to the Proposal as they relate to the TCDSB Property and to address the TCDSB's concerns.

The TCDSB will continue to monitor this Application and its progress. Should additional concerns be identified, these will be communicated to both the City and the applicant at the earliest time possible. As always, the TCDSB remains committed to working with the City and the applicant.

We respectfully submit the above for consideration and request that the TCDSB, through its counsel, be notified of any modifications to the Proposal, be included in all public communications on this matter and be provided notice of all City of Toronto meetings with respect to the 410 Sherbourne Street Application, moving forward.

Should you have any questions or require further information with respect to the above, please do not hesitate to contact the undersigned or, in her absence, Sandra-Luna Martinez at sluna-martinez@millერთhompson.com or 416-595-8565.



Yours truly,

Per: 

Tara L. Piurko,

- c. Michael Loberto, TCDSB
- Erica Pallotta, TCDSB
- Sandra Luna-Martinez, Miller Thomson LLP

