

410 Sherbourne Street – Zoning By-law Amendment Application – Decision Report – Approval

Date: October 25, 2023

To: Toronto and East York Community Council

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

Ward: 13 - Toronto Centre

Planning Application Number: 21 235163 STE 13 OZ

SUMMARY

This report reviews and recommends approval of the application to amend the Zoning By-law to permit a 42-storey mixed-use building containing 473 dwelling units at 410 Sherbourne Street. The existing live music venue and four-storey office building is proposed to be demolished.

RECOMMENDATIONS

The Director, Community Planning, Toronto and East York District recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 410 Sherbourne Street substantially in accordance with the draft Zoning By-law Amendment included as Attachment No. 8 to this report.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

FINANCIAL IMPACT

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.

THE SITE

Description: The site is located on the west side of Sherbourne Street between Carlton Street and Wellesley Street East. The square parcel has an approximate area of 2,315 square metres, with a frontage of 50.4 metres along Sherbourne Street and a depth of 46 metres.

Existing Use: A four-storey medical office building occupies the east portion of the site along the Sherbourne Street frontage. The west and south portions of the site is occupied by an adjoining music venue (The Phoenix Concert Theatre) at the rear of the medical office.

THE APPLICATION

Description: A 135 metre (42 storeys, plus mechanical penthouse) mixed-use building containing 473 dwelling units, totaling 31,033 square metres of gross floor area, including 240 square metres of non-residential uses.

Density: 13.5 times the area of the lot.

Non-Residential: A total of 240 square metres of non-residential gross floor area is proposed at grade.

Dwelling Units: A total of 473 residential units are proposed, consisting of 261 one-bedroom units (55%), 164 two-bedroom units (35%) and 48 three-bedroom units (10%).

Access, Parking, and Loading: Vehicular and bicycle access to the site would be from Sherbourne Street. A total of 84 vehicular parking spaces are proposed (78 residential parking spaces, 6 visitor parking spaces) of which 10 are accessible parking spaces, as well as 2 car share spaces and a total of 521 bicycle parking spaces. The proposal provides one Type C and one Type G loading space.

Additional Information: See Attachments 1, 2, 5 and 6 of this report for the Application Data Sheet, Location Map, a site plan, and elevations of the proposal. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: www.toronto.ca/410SherbourneSt.

Reasons for Application: The Zoning By-law Amendment application has been submitted to amend the Citywide Zoning By-law 569-2013 to permit an increase in the overall height and density on the site and to modify various performance standards such as those for building setbacks.

Site Plan Control: A site plan application (file no. 21 235164 STE 13 SA) has been submitted.

POLICY & REGULATION CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (2020), and shall conform to provincial plans, including the Growth Plan (2020) for the Greater Golden Horseshoe.

Official Plan

The Official Plan Urban Structure Map 2 identifies the site as within the Downtown and Central Waterfront. The land use designation for the site is Apartment Neighbourhoods on Map 18 of the Official Plan.

Immediately surrounding the site are lands designated Neighbourhoods that take the shape of low-rise, house-form buildings. These Neighbourhood lands are surrounded by lands designated Apartment Neighbourhoods, which have buildings ranging in height from four storeys to 31-storeys. Attachment 3 to this report illustrates these land use designations.

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

Downtown Plan

The Downtown Plan contains a vision and policies for the continued growth of the Downtown.

The Downtown Plan can be found here:
<https://www.toronto.ca/wpcontent/uploads/2022/06/962d-cityplanning-official-plan-41-secondary-plan-downtownplan.pdf>

Tall Building Setback Area Specific Policy (SASP) 517

SASP 517 contains performance standards for tall building setbacks and separation distances in the Downtown Secondary Plan Area.

Zoning

The site is zoned Residential R (d2.0) (x970) under Zoning Bylaw 569-2013. This zoning designation permits a variety of residential uses.

Design Guidelines

The following [design guidelines](#) have been used in the evaluation of this application:

- Tall Building Design Guidelines;
- Downtown Tall Buildings Vision and Supplementary Design Guidelines;
- Growing Up: Planning for Children in New Vertical Communities;
- Pet-Friendly Design Guidelines; and
- Retail Design Manual.

Toronto Green Standard

The [Toronto Green Standard \(TGS\)](#) 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.

COMMUNITY CONSULTATION

On April 28, 2022, City Planning staff hosted a Virtual Community Consultation on the application. Forty-six members of the public were in attendance as well as staff from Economic Development (Music Office), the applicant and the Ward Councillor. Following presentations by City staff and the applicant, the following comments and issues were raised:

- concern regarding the built form and relationship to neighbouring buildings;
- concern with wind and shadow impacts on parks, school yards, and neighbourhood properties;
- concern with the loss of The Phoenix Concert Theatre as a cultural hub and live music venue; and
- concern with the lack of affordable housing units included in the proposal.

At the direction of Toronto and East York Community Council, staff also held a working group meeting on April 3, 2023 with various stakeholder groups including those in the live performance sector to discuss how to preserve culturally significant live entertainment and community space as part of the Development Application review process. The following comments and issues were raised:

- the feasibility of a music venue in the base of a building with a residential tower;
- the importance of the Phoenix Concert Hall for musicians and artists building their careers;
- concern with the lack of City policy to protect these arts and cultural spaces; and
- concern with current lease arrangements.

The issues raised through community consultation have been considered through the review of the application.

Statutory Public Meeting

In making their decision regarding this application, Council members have an opportunity to consider submissions made at the statutory public meeting held by the Toronto and East York Community Council for this application. The Community Council meeting is broadcast live over the internet and recorded for review.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff have reviewed the current proposal for consistency with the Provincial Policy Statement (2020) and conformity with the Growth Plan (2020). Staff find the proposal is consistent with the PPS and conforms with the Growth Plan.

Land Use

The proposed residential and non-residential uses are acceptable and conform to the applicable policies of the Official Plan and Downtown Secondary Plan.

The applicant proposes to demolish the Phoenix Concert Theatre, a live music venue, that is currently located on the site. This cultural facility has been in this location since the 1950s, originally as Club Harmonie, and during the 1980s as the Diamond Club. Such facilities can be located in areas designated Apartment Neighbourhoods in the Official Plan.

Currently, the proposal does not include the replacement of the live music venue and such a replacement is not a requirement under Official Plan policy; however, the proposed site specific zoning by-law does allow for a music venue with a minimum gross floor area of 1,120 square metres. This provides the opportunity for a music venue of an appropriate size should the developer choose to build a music venue together with the residential units. From a building design standpoint, live music venues have been incorporated into primarily residential buildings through noise mitigation techniques such as decoupling to minimize vibration and using appropriate materials to mitigate sound transmission.

Night Economy and Music Ecosystem

Toronto has a longstanding history as a world-renowned centre for music. Live music landmarks such as the Phoenix Concert Theatre make up a catalog of hundreds of grassroots venues in Toronto. Together they generate over \$850 million in annual economic impact and 10,000 jobs, creating a diverse and engaging cultural destination for locals and tourists.

Toronto's music ecosystem is now seriously threatened, in part by rising land values and the pressures of residential development, especially in the downtown core. The lingering effects of the COVID-19 pandemic have exacerbated these pre-existing issues and added to the overall fragility of a network of venues, rehearsal spaces, recording studios, and other businesses. In noting the threats to live music venues, the City of Toronto's Council-approved Music Strategy 2022-2026 calls on the City to explore tools to help preserve cultural space. Encouraging new development that can exist alongside pre-existing cultural infrastructure aligns with this recommendation.

Toronto's music ecosystem is a key component of the city's night economy. The term "night economy" describes the social, cultural, and economic activities that take place between 6 PM and 6 AM, including culture and entertainment, practical necessities and supporting infrastructure, and shift work. Throughout 2023, three City divisions (City Planning, Municipal Licensing and Standards, and Economic Development and Culture) have planned and carried out a Night Economy Review.

In recognizing that including the night economy in municipal planning is essential, the Night Economy Review has taken a strategic approach to managing and planning for the night and incorporated extensive consultation with a wide range of stakeholder groups in aiming to achieve a balance between a vibrant cultural and business culture after dark and the needs of the wider community, including residents.

Built Form

City Planning staff find that the proposal conforms with the Official Plan and the Downtown Secondary Plan with respect to built form and massing. Furthermore, the proposal meets the intent of the Tall Building Design Guidelines and Downtown Tall Building Design Guidelines.

Base Building

The base of the building is 4 storeys (16 metres) along Sherbourne Street, which provides for an appropriate streetwall height. A stepback ranging from 2.5 to 3 metres from the base building to the tower is proposed along Sherbourne Street. From the rear, there is a 7.5-metre setback that leads to a one-storey base. From the north lot line, the 4-storey base building is built to the lot line, then increases to 9-storeys with a 5.5 metre stepback. From the south lot line, there is a 3-metre setback that leads to a 9-storey base building (the front of which is 4 storeys along Sherbourne Street). There are no primary windows proposed on this south façade.

Tower

The tower generally sits in the middle of the site. From the east (front) lot line, the tower is set back 5 metres. From the west (rear) lot line, the tower is set back 14 metres. From the north (side) property line, the tower is set back 10.8 metres and from the south (side) property line, the tower is setback 10.9 metres.

The Zoning By-law requires that tall buildings in the Downtown have a 12.5 metre setback from rear and side lot lines. However, Official Plan Amendment 352, which speaks specifically to tower separation and tower setbacks in the Downtown, states that an applicant may amend the 12.5 metre setback standard provided that impacts to light, view, and privacy have been appropriately limited and where the development potential of adjacent sites have been considered. In this case, Staff are satisfied that the proposal has appropriately limited impacts to light, view and privacy. Staff are also satisfied that the development potential of adjacent sites would not be impacted by the reduced tower setbacks.

Heritage Interpretation Strategy

The applicant's heritage planner, ERA Architects, prepared a Heritage Impact Assessment (HIA). The assessment found that while the site had historical value in connection with its tenancies, it did not meet the criteria for design/physical or contextual value under Ontario Regulation 9/06. The HIA therefore recommended an Interpretation Plan be prepared to communicate the site's intangible historical value.

Heritage Planning has reviewed the HIA and agreed with the results of the assessment. Heritage Planning also reviewed a memorandum from ERA Architects that detailed a heritage interpretation strategy for a future commemoration plan. Heritage Planning will undertake a full review of the commemoration plan as part of the Site Plan Control review process.

Unit Mix

A total of 473 residential units are proposed, consisting of 261 one-bedroom units (55%), 164 two-bedroom units (35%) and 48 three-bedroom units (10%). Of the total residential units, 15 percent will be any combination of two-bedroom and three-bedroom residential units, or residential units that can be converted into any combination of two and three-bedroom residential units.

The unit mix meets the policy direction of the Official Plan to provide a full range of housing and meets the unit mix objectives of the Downtown Secondary Plan to provide a minimum of 15% two-bedroom units and 10% three-bedroom units and an additional 15% of the units are 2 or 3 bedroom units or convertible to 2 or 3 bedroom units.

Affordable Housing

Affordable housing is a significant priority for the City. The proposed development will be subject to a Community Benefit Charge (CBC) requirement at the time of Building Permit. The CBC can be satisfied by a cash payment to the City or an agreement between the City and the developer for the developer to provide an in-kind contribution which could include the provision of affordable housing. Though City Planning staff made the request, the applicant has not agreed to provide affordable housing as an in-kind CBC contribution.

Amenity Space

A total of 946 square metres (2.0 square metres per unit) of indoor amenity space and 946 square metres (2.0 square metres per unit) of outdoor amenity space is proposed for a total of 1,892 square metres (4.0 square metres per unit). The amenity space has been designed so that portions of the indoor space are adjacent to the outdoor space. The proposed amenity space is acceptable.

Public Realm and Streetscape

The Tall Building Design Guidelines state that along primary street frontages of a tall building site, a 6-metre or greater sidewalk width should be provided. The proposed building is setback 2.5 metres from the east property line. This setback achieves a total of 6.1 metres of sidewalk space from building face to the curb of Sherbourne Street. The proposal meets this performance standard.

There is an existing lay-by on Sherbourne Street, which Transportation Services is requiring the removal of to expand the sidewalk zone and straighten both the sidewalk and the separated bike lane on the street.

In addition to a wider sidewalk, the proposal includes a 3-metre wide midblock connection located at the southerly edge of the property. This midblock connection would connect Sherbourne Street to Maribeth Avenue.

Shadow Impacts

The proposed building height and location adequately limits shadow impacts on surrounding properties, parks, and open spaces. The Toronto District School Board (TDSB) and the Toronto Catholic District School Board (TCDSB) have expressed concerns related to shadow impacts on outdoor spaces at Jarvis Collegiate and Our Lady of Lourdes schools. While the proposed tower does shadow these spaces, the shadow is limited to one hour at 10:18 AM on the outdoor space at Jarvis Collegiate during the fall and spring months. At Our Lady of Lourdes, the shadow impact moves across the hardscaped open space at 11:18 AM to 12:18 PM during the fall and spring months. There is also a two hour shadow at Winchester Field Park at 4:18 and 5:18 PM. There is no shadow impact on these spaces during the summer months. The Downtown Plan states that development will seek to adequately limit shadows on parks, open spaces, and school yards. Based on the analysis of the shadow study provided, City staff consider the shadow impacts acceptable.

Wind Impacts

RWDI prepared a pedestrian-level wind study and found that the wind conditions at ground level pedestrian areas are acceptable. Wind speeds along the driveway may be uncomfortable at times in the winter months; however this area is not intended for pedestrian usage. The report further states that wind speeds may be higher than desired on the outdoor rooftop amenity area and may be mitigated through wind control measures. As part of the Site Plan Control application, the applicant will be required to provide additional wind control measures to improve wind conditions particularly on the driveway and outdoor amenity spaces. Staff find the wind impacts of the proposal acceptable.

Parkland

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through a cash-in-lieu payment. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above-grade building permit.

Tree Preservation

The applicant is proposing to remove ten private trees and provide seven replacement private trees. A cash-in-lieu payment would be required for any deficiencies in tree planting. Through the Site Plan Control process, City Staff will work with the applicant to find suitable locations for additional trees. There are no City street trees proposed for removal.

Parking and Loading

A Transportation Impact Study was submitted with the application and has been reviewed by staff. Vehicular access and egress to the site would be from Sherbourne Street. The proposed development would provide a Type G and Type C loading space. The proposal includes a total of 84 parking spaces (76 residential parking spaces; 6

visitor parking spaces; and two car-share spaces) in a two-level underground parking garage. The 521 bicycle parking spaces provided meets the requirement under the zoning by-law 569-2013. Transportation Services find the loading and parking supply acceptable.

Servicing

The applicant submitted a Functional Servicing Report, Hydrogeological Report, and Stormwater Management Report. Engineering and Construction Services has reviewed the reports and advises they have no further concerns or conditions with respect to the Zoning By-law Amendment application.

Community Services and Facilities

The Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Community services and facilities are the building blocks of our neighbourhoods, foundational to creating complete communities and include matters such as recreation, libraries, childcare, schools, public health, and human and cultural services. Providing for a full range of community services and facilities in areas that are inadequately serviced or experiencing growth is a shared responsibility.

Toronto Green Standard

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Official Plan Land Use Map
Attachment 4: Zoning By-law Map
Attachment 5: Site Plan
Attachment 6A: East Elevation
Attachment 6B: North Elevation
Attachment 6C: South Elevation
Attachment 6D: West Elevation
Attachment 7: 3D Massing Model Perspective
Attachment 8: Draft Zoning By-law under 569-2013

Attachment 1: Application Data Sheet

Municipal Address: 410 Sherbourne St Date Received: November 7, 2021

Application Number: 21 235163 STE 13 OZ

Application Type: Rezoning

Project Description: A 42-storey mixed-use building having a non-residential gross floor area of 240 square metres and a residential gross floor area of 31,033 square metres.

Applicant	Agent	Architect	Owner
Walker Nott Dragicevic Associates Limited	Walker Nott Dragicevic Associates Limited	Graziani + Corazza Architects	Sherbourne Community Clinic Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	N
Zoning:	R (d2.0) (x970)	Heritage Designation:	N
Height Limit (m):	13	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 2,315 Frontage (m): 50 Depth (m): 46

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,414		1,506	1,506
Residential GFA (sq m):			31,033	31,033
Non-Residential GFA (sq m):	4,538		240	240
Total GFA (sq m):	4,538		31,273	31,273
Height - Storeys:	4		42	42
Height - Metres:			135	135

Lot Coverage Ratio (%): 65.05 Floor Space Index: 13.51

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	31,033	
Retail GFA:	240	
Office GFA:		

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	0			
Freehold:	0			
Condominium:	0		473	473
Other:				
Total Units:	0		473	473

Total Residential Units by Size

	Rooms	Studio	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			261	164	48
Total Units:			261	164	48

Parking and Loading

Parking Spaces:	84	Bicycle Parking Spaces:	521	Loading Docks:	2
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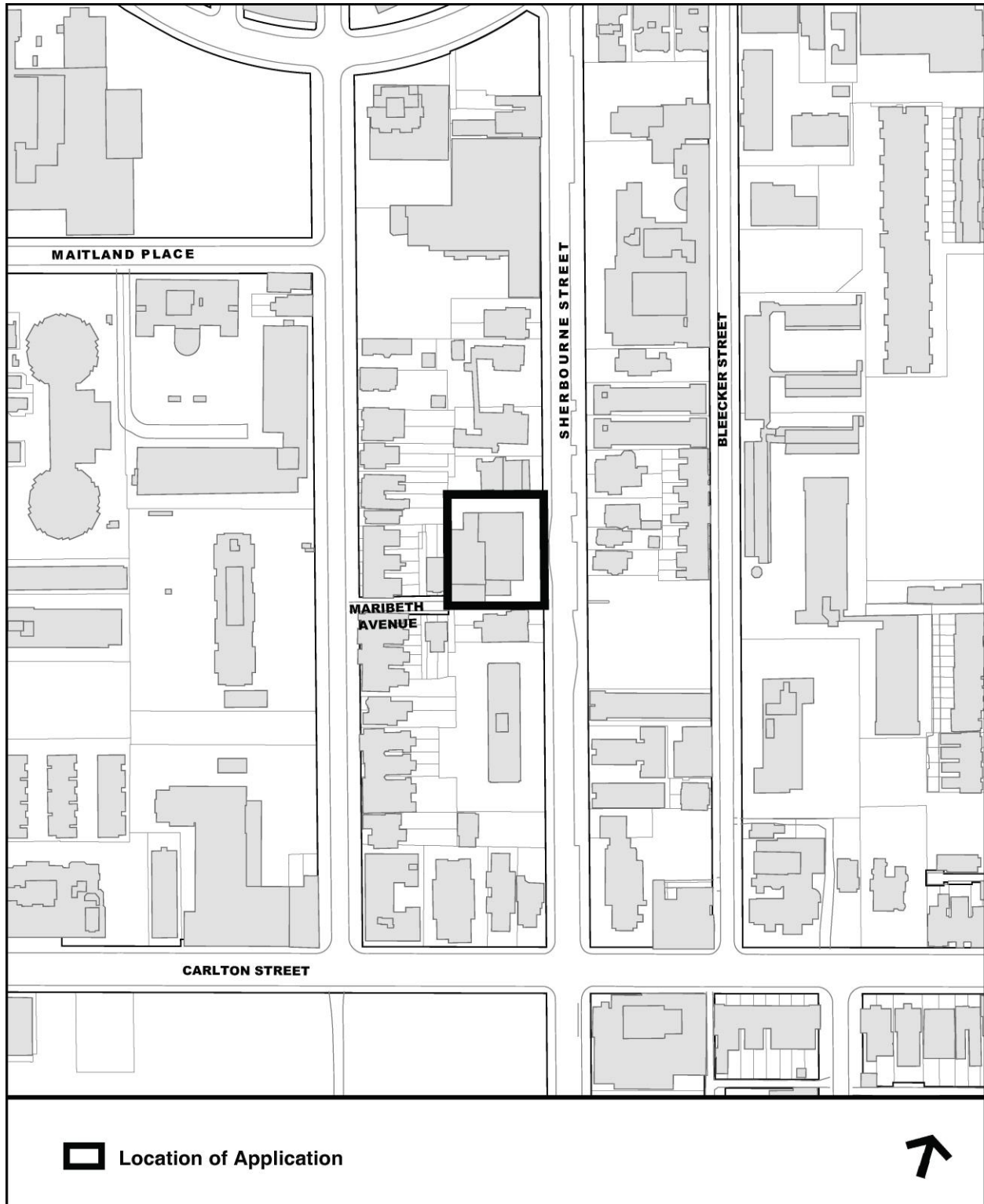
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Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #18

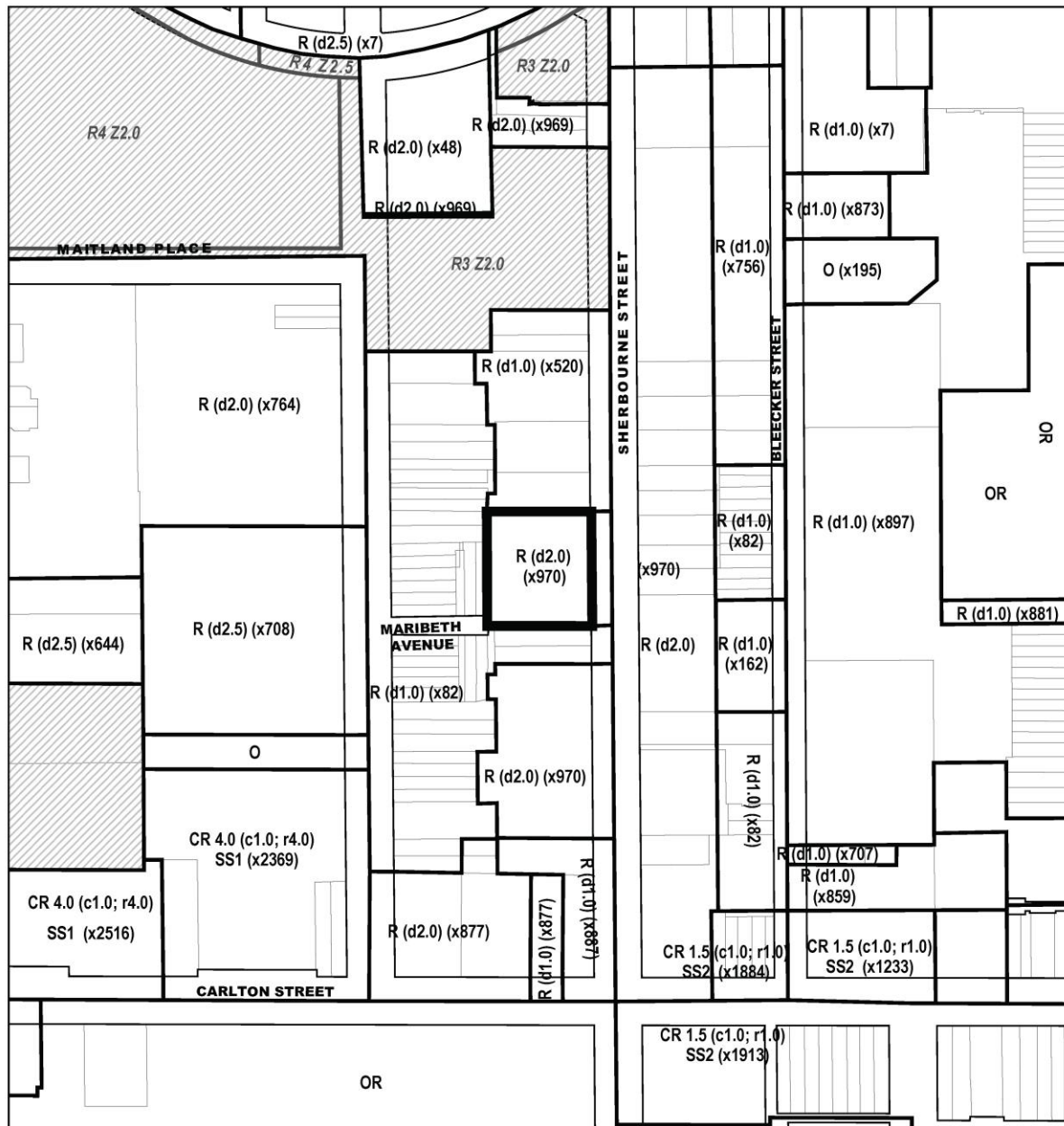
410 Sherbourne Street

File # 21 235163 STE 13 0Z



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Extracted: 11/08/2021

Attachment 4: Zoning By-law Map



Zoning By-law 569-2013

410 Sherbourne Street

File # 21 235163 STE 13 02



Location of Application

R
CR
O
OR

Residential
Commercial Residential
Open Space
Open Space Recreation



See Former City of Toronto By-law No. 438-86

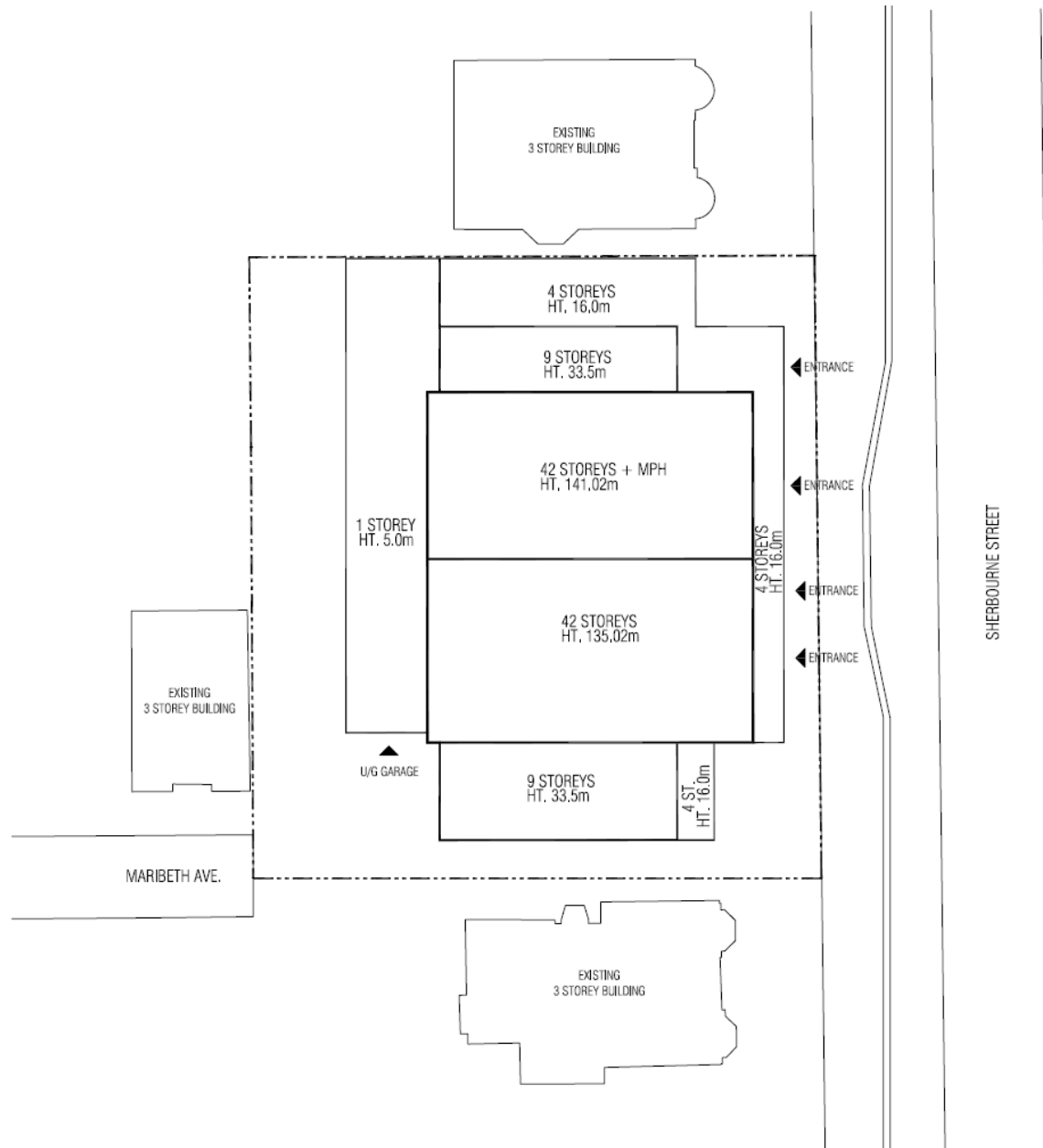
R3
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Residential District
Mixed-Use District
Parks District

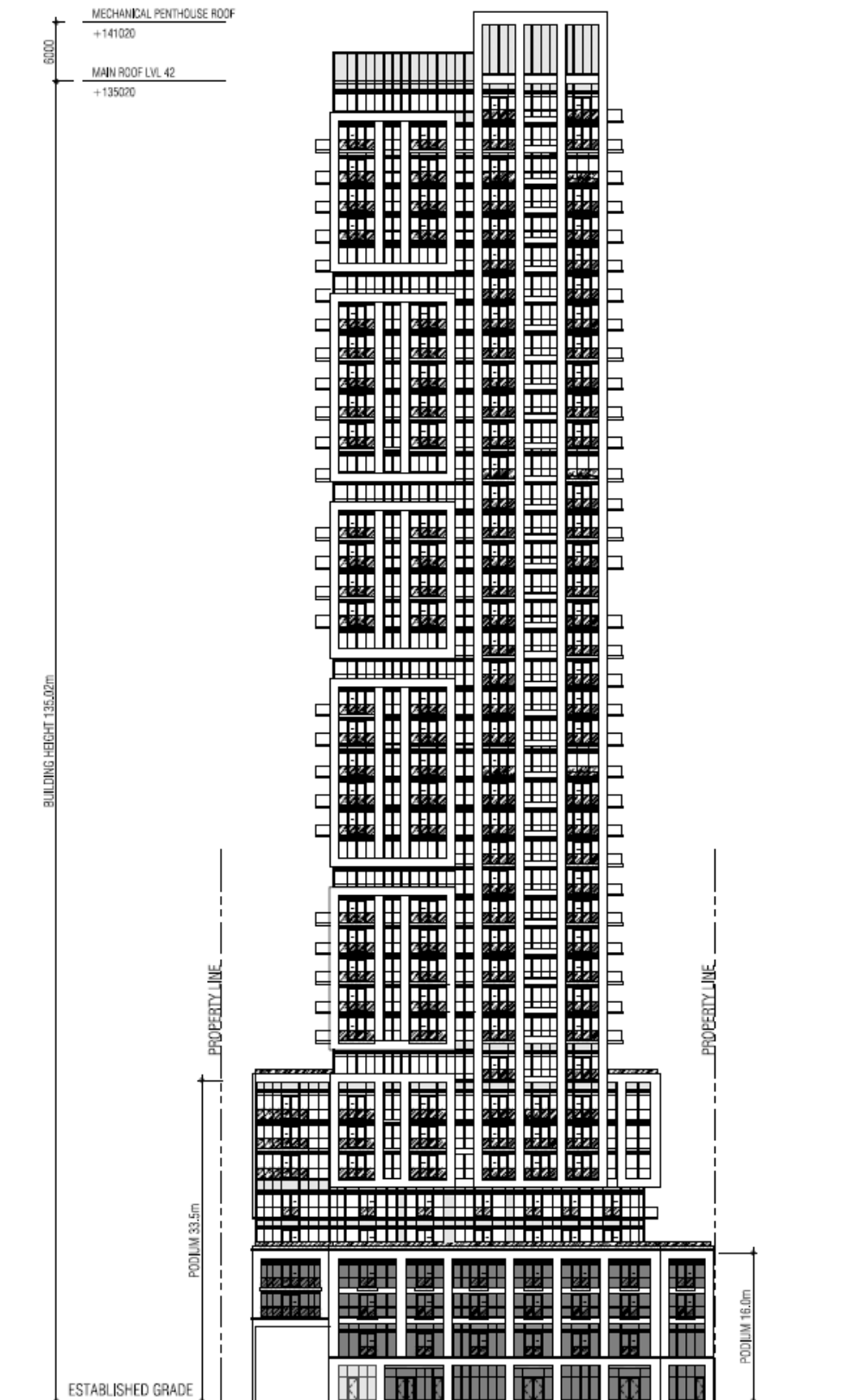


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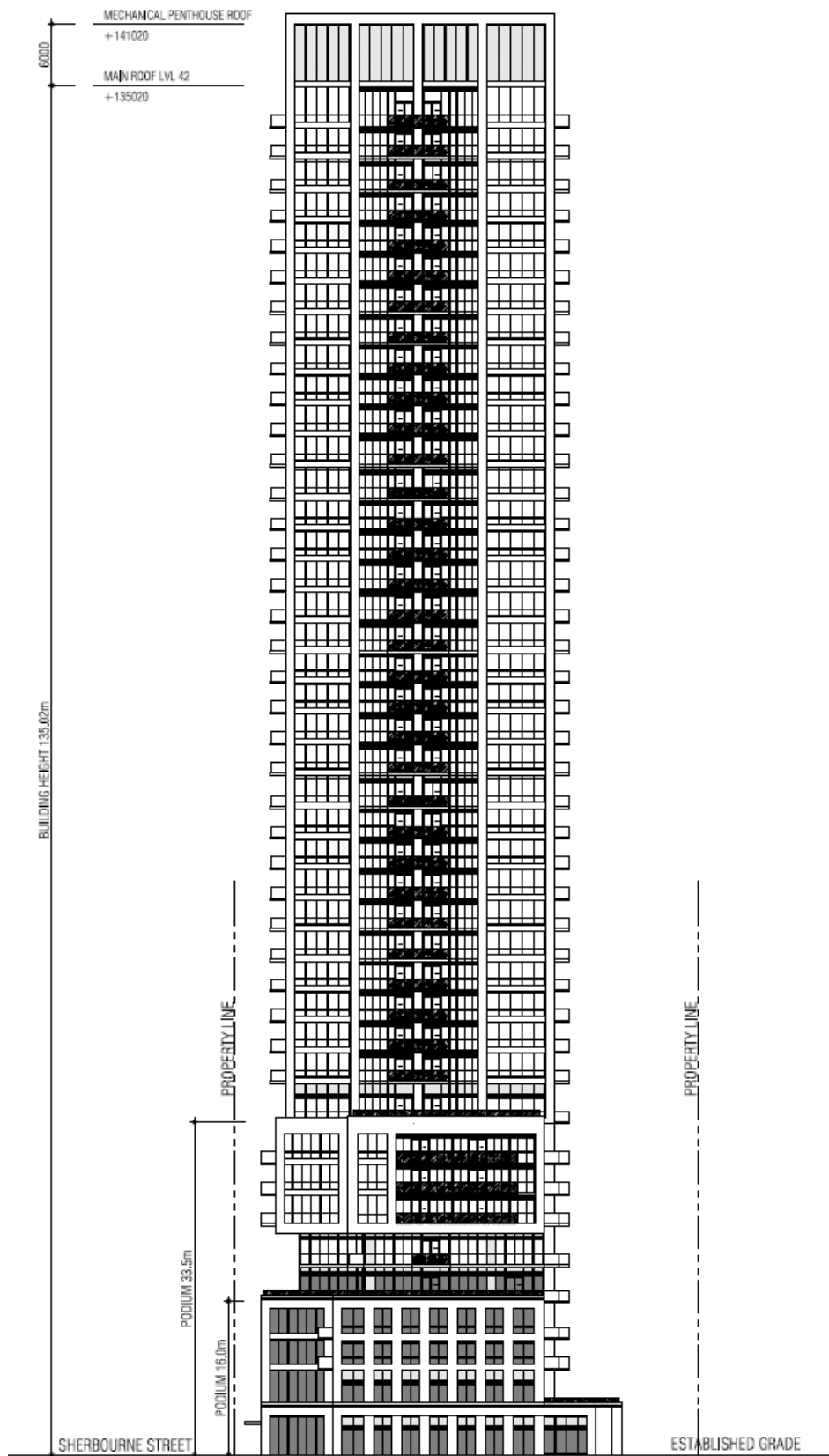
Attachment 5: Site Plan



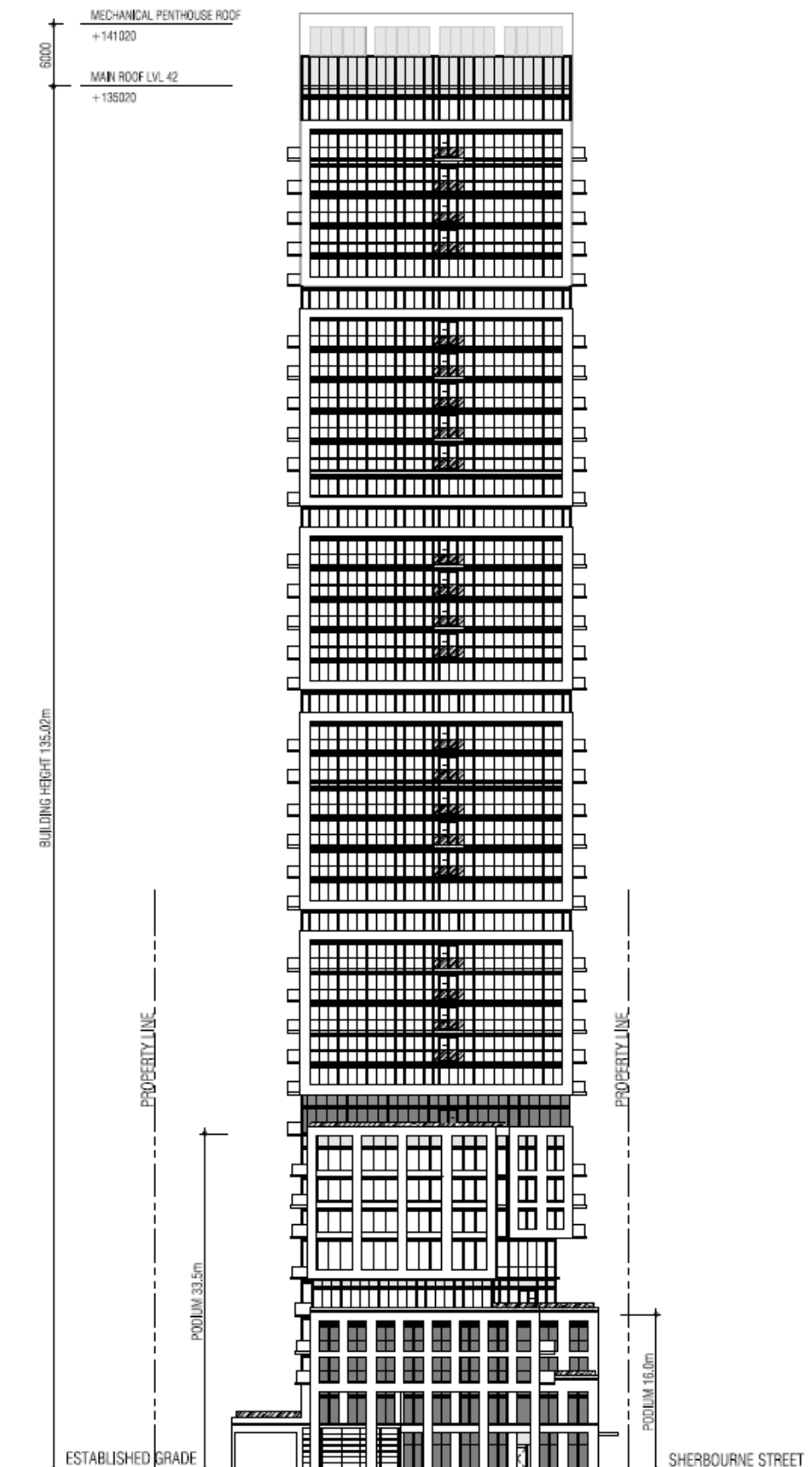
Attachment 6A: East Elevation



Attachment 6B: North Elevation



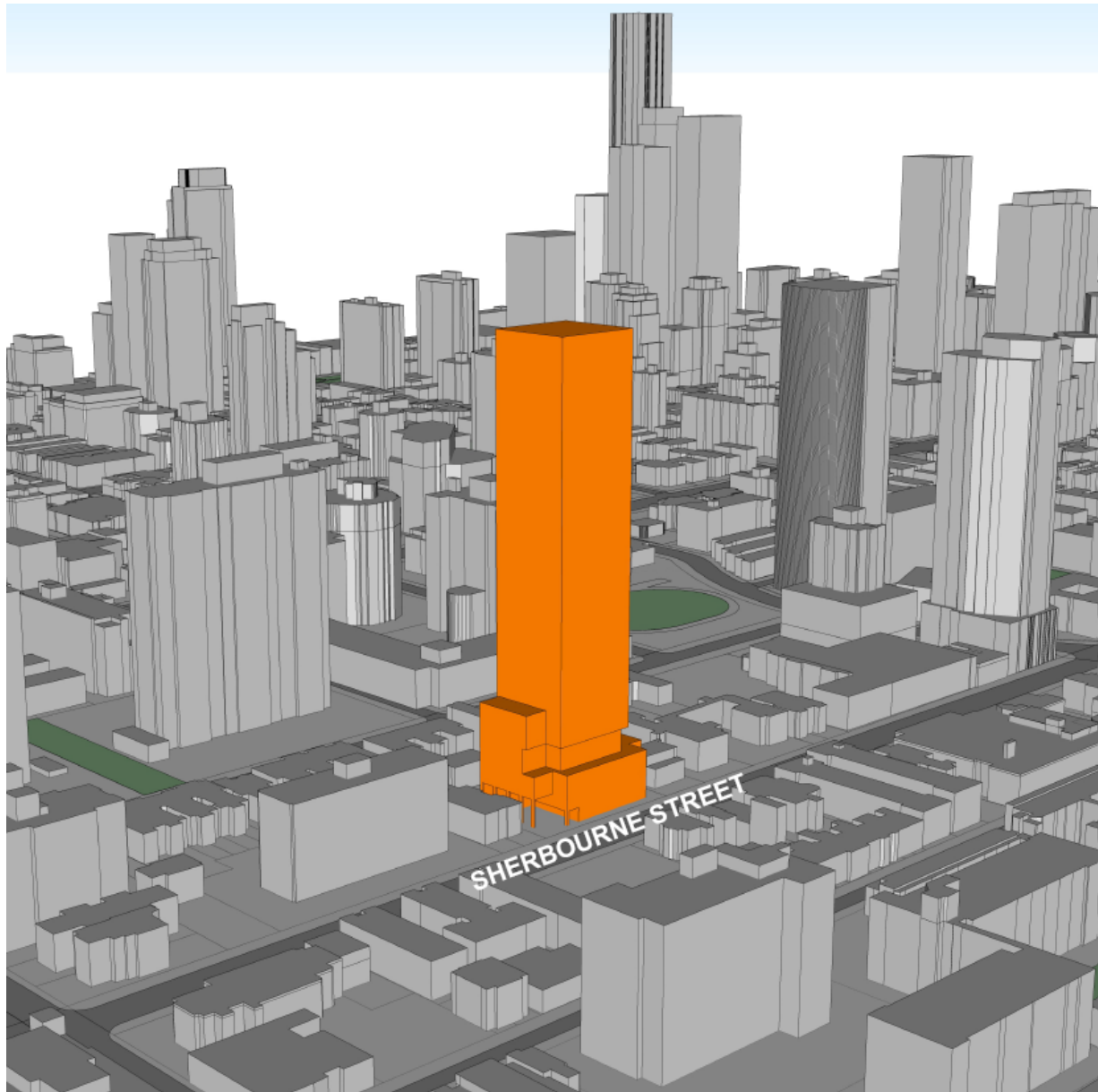
Attachment 6C: South Elevation



Attachment 6D: West Elevation



Attachment 7: 3D Massing Model Perspectives



Attachment 8: Draft Zoning By-law under 569-2013

The by-law will be made available on or before Toronto and East York Community Council for November 15, 2023