

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

Date: October 30, 2023
To: Toronto and East York Community Council
From: Director, Community Planning, Toronto and East York District
Wards: 13 - Toronto Centre

Planning Application Number: 23 201185 STE 13 OZ

SUMMARY

On December 3, 2020, the Local Planning Appeal Tribunal (LPAT) approved an Official Plan and Zoning By-law Amendment application to permit a 15-storey mixed-use building at 307 Sherbourne Street resulting in Official Plan Amendment 446 and site specific Zoning By-law 1192-2020.

On September 18, 2023, a Zoning By-law Amendment application was submitted to amend site specific Zoning By-law 1192-2020 to permit a privately owned and operated student residence, increase the number of permitted dwelling units, reduce minimum parking requirements, and increase the maximum permitted building height by 1 metre for the site at 307 Sherbourne Street. All other built form and massing is consistent with the December 3, 2020 LPAT approval.

This report reviews and recommends approval of the application to amend the Zoning By-law to permit a 48-metre (including mechanical penthouse) residential building containing 199 dwelling units, including 156 student residence units at 307 Sherbourne Street.

RECOMMENDATIONS

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

1. City Council amend City of Toronto Zoning By-law 1192-2020 for the lands at 307 Sherbourne Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 5 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.
3. City Council approve an amendment to Schedule B of the City of Toronto Municipal Code, Chapter 925, Permit Parking, to exclude the development located at 307

Sherbourne Street, and any other addresses for the development at 307 Sherbourne Street from Permit Parking Area 7A or from permit parking on Gerrard Street East and Sherbourne Street.

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.

DECISION HISTORY

On October 2, 2017, City Council received a Request for Direction report and directed that staff oppose an appeal to the Local Planning Appeal Tribunal (LPAT) of an Official Plan Amendment and Zoning By-law Amendment application for a 14-storey mixed-use building. That City Council decision can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2017.TE26.30>

On December 3, 2020, the LPAT issued an Order (case PL170299) enacting Official Plan Amendment 446 (By-law 1190-2020(LPAT)) and a site specific Zoning By-law Amendment (By-law 1192-2020(LPAT)). The Official Plan Amendment (Site and Area Specific Policy 567) established a maximum building height of 48.0 metres on the subject property. The implementing Zoning By-law allows for a maximum building height of 47.0 metres.

THE SITE

Description: The site is located on the south-east corner of Sherbourne Street and Gerrard Street East. The site is generally flat and rectangular with an area of 1,311 square metres. It has 33 metres of frontage along Sherbourne Street and 40 metres of frontage along Gerrard Street East.

Existing Use: The site is currently vacant.

THE APPLICATION

Description: A 15-storey (48-metre including mechanical penthouse) residential building containing 199 dwelling units.

Dwelling Units & Student Residence: 199 dwelling units, including 156 studio units (80%) which are intended to be used as a student residence, 9 one-bedroom units (4.5%), 21 two-bedroom units (10.5%), and 12 three-bedroom units (6%).

Amenity Space: The proposal includes 538 square metres of amenity space, including 140 square metres of indoor amenity space (0.70 square metres per unit) and 398 square metres (2.0 square metres per unit) of outdoor amenity space.

Parking, Loading and Access: The proposal contains a total of four visitor parking spaces including one accessible space, one Type-G loading space, and 239 bicycle parking spaces (24 short-term and 215 long-term).

Additional Information: See Attachment 1 to this report for the location map, Attachment 2 for the application data sheet, Attachment 6 for the site plan, and Attachments 7 to 10 for building elevations. 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: toronto.ca/307SherbourneSt

Reasons for Application: The proposal requires an amendment to Zoning By-law 569-2013 to vary performance standards including the maximum building height, permitted uses, maximum gross floor area, and vehicular parking and bicycle parking rates.

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 and shall conform to provincial plans.

Official Plan: The site is designated as Mixed-Use Areas which permit a wide range of residential, commercial, and institutional uses. See Attachment 3 of this report for the Official Plan Land Use Map.

Secondary Plan: The site is designated as Mixed-Use Areas 3 in the Downtown Secondary Plan.

Site and Area Specific Policy: The site is subject to the Garden District Area Specific Policy (SASP 461) and SASP 567 which was implemented in accordance with the 2019 LPAT approval on the subject site. SASP 567 established a maximum height of 48.0 metres for the proposed development on the site.

Zoning: The site is zoned CR 1.5 (c1.0; r1.0) SS2 (x219) in the City of Toronto Zoning By-law 569-2013. Site specific exception 219 was implemented through By-law 1192-2020(LPAT) to permit a 15-storey mixed use building. Exception 219 implements performance standards including minimum building setbacks, minimum parking requirements, maximum building height, and maximum number of dwellings units. See Attachment 4 of this report for the zoning by-law map.

Heritage Conservation District: The site is located within the Garden District Heritage Conservation District.

Toronto Green Standard

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. The TGS can be accessed here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

Site Plan Control: An application for Site Plan Control was submitted on August 21, 2018, and the Notice of Approval Conditions (NOAC) was issued on May 31, 2021. The deadline to satisfy those conditions has been extended to May 31, 2025.

COMMUNITY CONSULTATION

Community Consultation

A virtual community consultation meeting was hosted by City Planning staff on October 12, 2023. Approximately 8 people attended, as well as staff from the Councillor's office. Following a presentation by City Planning staff and the applicant, the following comments were provided:

- Support for the inclusion of student residences within the modified proposal;
- Interest in seeing the vacant lot developed;
- Interest in seeing public art incorporated into the project; and
- Interest for more height and density than proposed.

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

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have an opportunity to review submissions made at the statutory public meeting held by the Toronto and East York Community Council for this application. These submissions are 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 has reviewed the current proposal for consistency with the Provincial Policy Statement and conformity with the Growth Plan. Staff find the proposal is consistent with the PPS and conforms with the Growth Plan.

Land Use

The application proposes a privately-owned and operated student residence and residential dwelling units. The proposed uses conform to the Official Plan and the Downtown Secondary Plan.

Unit Mix

The Downtown Plan requires new development to include a minimum of 10% three-bedroom units, 15% two-bedroom units, and an additional 15% of units that are a combination of two and three-bedroom units or units that can be converted into two or three-bedroom units through adaptable design measures. The Downtown Plan allows for flexibility when applying the above unit mix policies within a development that consists of housing for students.

The proposal consists of 156 student residence units, which include kitchens and washrooms within each unit. The remaining 43 units are proposed to be residential units. The 43 residential units consist of 21 two-bedroom units (49%), and 12 three-bedroom units (28%). City Planning staff are satisfied that the proposal meets the unit mix requirements in the Downtown Secondary Plan.

Density, Height, Massing

The built form is generally consistent with the current zoning permissions for the site. The application is proposing to increase the height of the building by 1.0 metre for a maximum building height of 48.0 metres, which is consistent with SASP 567. Staff have reviewed these changes and find them acceptable.

The proposed massing, setbacks, and stepbacks are the same as the previously approved development and current zoning permissions.

Heritage

The site is located within the Garden District Heritage Conservation District (HCD) Plan. In Appendix "G" of the Plan, 307 Sherbourne Street is identified as a Listed Approval through Zoning By-law 1192-2020. The Garden District HCD Plan directs that the "appendix shall not be interpreted as to exclude or exempt a property from this Plan should a new development application(s) be proposed on a property that is not substantially in accordance with such Listed Approval." The changes proposed to Zoning By-law 1192-2020 to permit a privately owned and operated student residence, increase the number of permitted dwelling units, reduce minimum parking requirements, and increase the maximum permitted building height by 1 metre, are all substantially in accordance with the Listed Approval in Appendix "G". Furthermore, all other built form and massing are consistent with the approved Zoning By-law 1192-2020, which is in accordance with the Listed Approval in Appendix "G".

Traffic Impact, Access, Parking

A Transportation Impact Study was submitted in support of the proposal. It concluded

the traffic impact, access, parking and loading arrangements for this development are acceptable. Transportation Services staff have reviewed the report and accept its conclusions.

Vehicular access is proposed to be provided from Sherbourne Street at the south portion of the site. The application proposes 4 vehicle parking spaces on the site whereas the current site specific by-law requires 51 parking spaces. The design and location of the loading space is unchanged from the previous approval. The Type-G loading space would be located at the southern end of the ground floor and accessed from the driveway that leads to Sherbourne Street. The application proposes 239 bicycle parking spaces.

Servicing

Engineering and Construction Services staff have reviewed the submitted materials and have identified several outstanding items for review. Staff are recommending that the Zoning By-law be subject to holding provisions pending the revision, review, and acceptance of the Functional Servicing and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

Holding Provision

This report recommends the adoption of a Zoning By-law Amendment that is subject to a holding provision under Section 36 of the Planning Act restricting the proposed use of the lands until the conditions set out in the By-law are satisfied. Section 5.1.2 of the Official Plan outlines the conditions to be met prior to the removal of a holding provision.

The conditions to be met prior to the removal of the holding provisions include:

- The owner has prepared and submitted a revised Functional Servicing and Stormwater Management Report to Chief Engineer and Executive Director, Engineering and Construction Services, for review and acceptance to demonstrate that the domestic water system and any required improvements to it, has adequate capacity to accommodate the development of the lands; and
- Where improvements to the domestic water system are recommended in the Functional Servicing and Stormwater Management Report as accepted by the Chief Engineer and Executive Director, Engineering and Construction Services, the owner has entered into a financially secured agreement with the City to secure the construction of the required improvements.

To address the impact of legislative changes to the Planning Act under Bill 109, the More Homes for Everyone Act, 2022, on July 19, 2023, City Council amended City of Toronto Municipal Code, Chapter 415, and the Official Plan to delegate the removal of a Holding (H) symbol to the Chief Planner and their designate. Once the conditions noted above are met, no further report to City Council will be required to remove the holding symbol.

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.

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. The applicant is proposing to incorporate a geo-energy facility within the proposed development.

CONTACT

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SIGNATURE

Oren Tamir
Director, Community Planning
Toronto and East York District

ATTACHMENTS

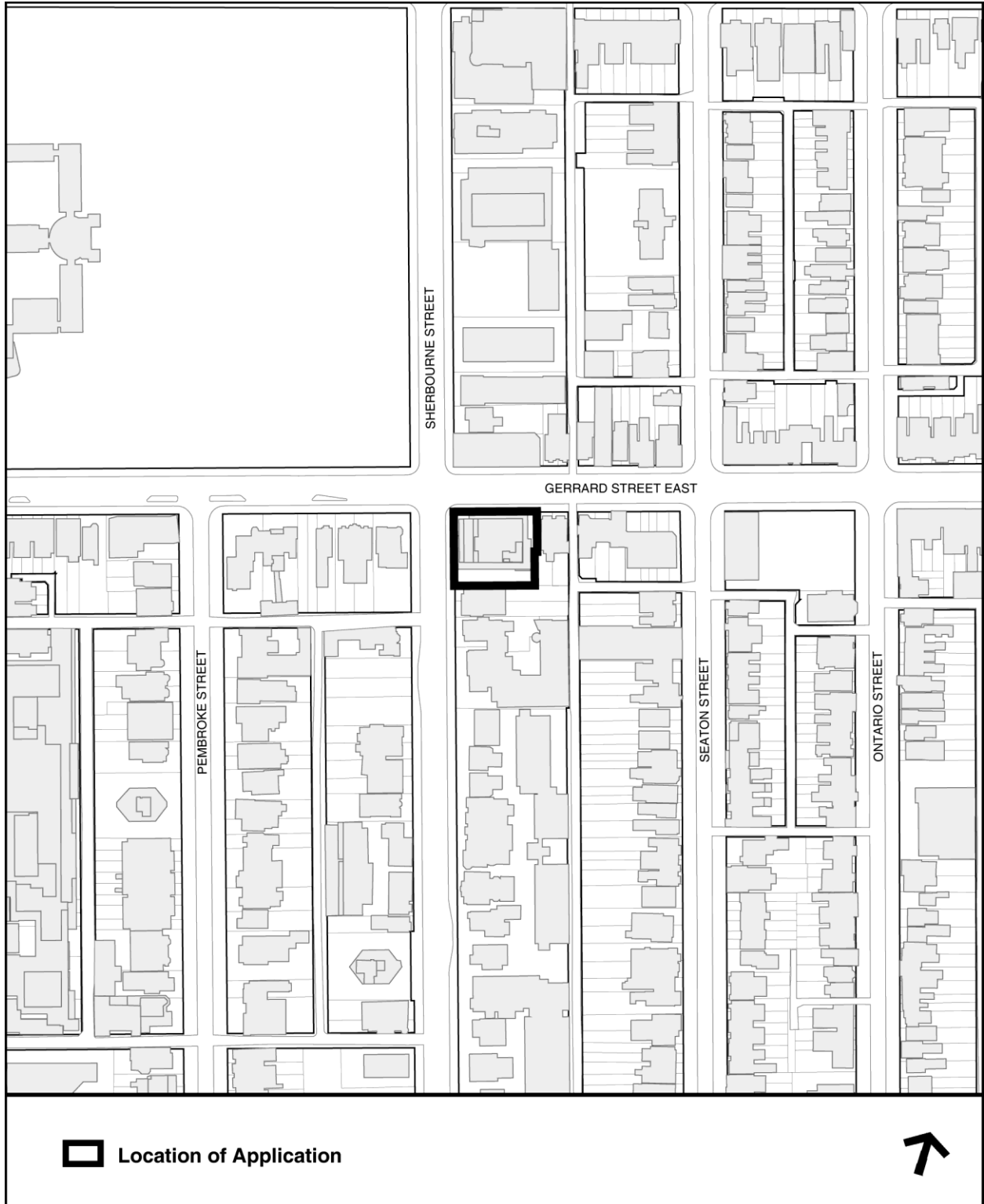
City of Toronto Data/Drawings

- Attachment 1: Location Map
- Attachment 2: Application Data Sheet
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law Amendment

Applicant Submitted Drawings

- Attachment 6: Site Plan
- Attachment 7: South Elevation
- Attachment 8: East Elevation
- Attachment 9: North Elevation
- Attachment 10: West Elevation

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 307 Sherbourne St **Date Received:** September 18, 2023

Application Number: 23 201185 STE 13 OZ

Application Type: Rezoning

Project Description: A 15-storey (48.0 metre including mechanical penthouse) residential building consisting of 199 units, of which 156 units will be allocated as student residences.

Applicant

Batory Planning and Management

Architect

superkul

Owner

307 Sherbourne GP Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas **Site Specific Provision:** SASP 567

Zoning: CR 1.5 (c1.0; r1.0) SS2 (x219) **Heritage Designation:** N

Height Limit (m): 47.0 **Site Plan Control Area:** Y

PROJECT INFORMATION

Site Area (sq m): 1,312 Frontage (m): 34 Depth (m): 40

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			703	703
Residential GFA (sq m):			8,429	8,429
Non-Residential GFA (sq m):				
Total GFA (sq m):			8,429	8,429
Height - Storeys:			15	15
Height - Metres:			48	48

Lot Coverage Ratio (%): 78 **Floor Space Index:** 6.43

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	7,463	967
Retail GFA:		

Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:			199	199
Freehold:				
Condominium:				
Other:				
Total Units:			199	199

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		156	9	21	12
Total Units:		156	9	21	12

Parking and Loading

Parking Spaces: 4 Bicycle Parking Spaces: 239 Loading Docks: 1 (Type G)

CONTACT:

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 416-392-1729
 Jeremy.Humphrey@toronto.ca

Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #18

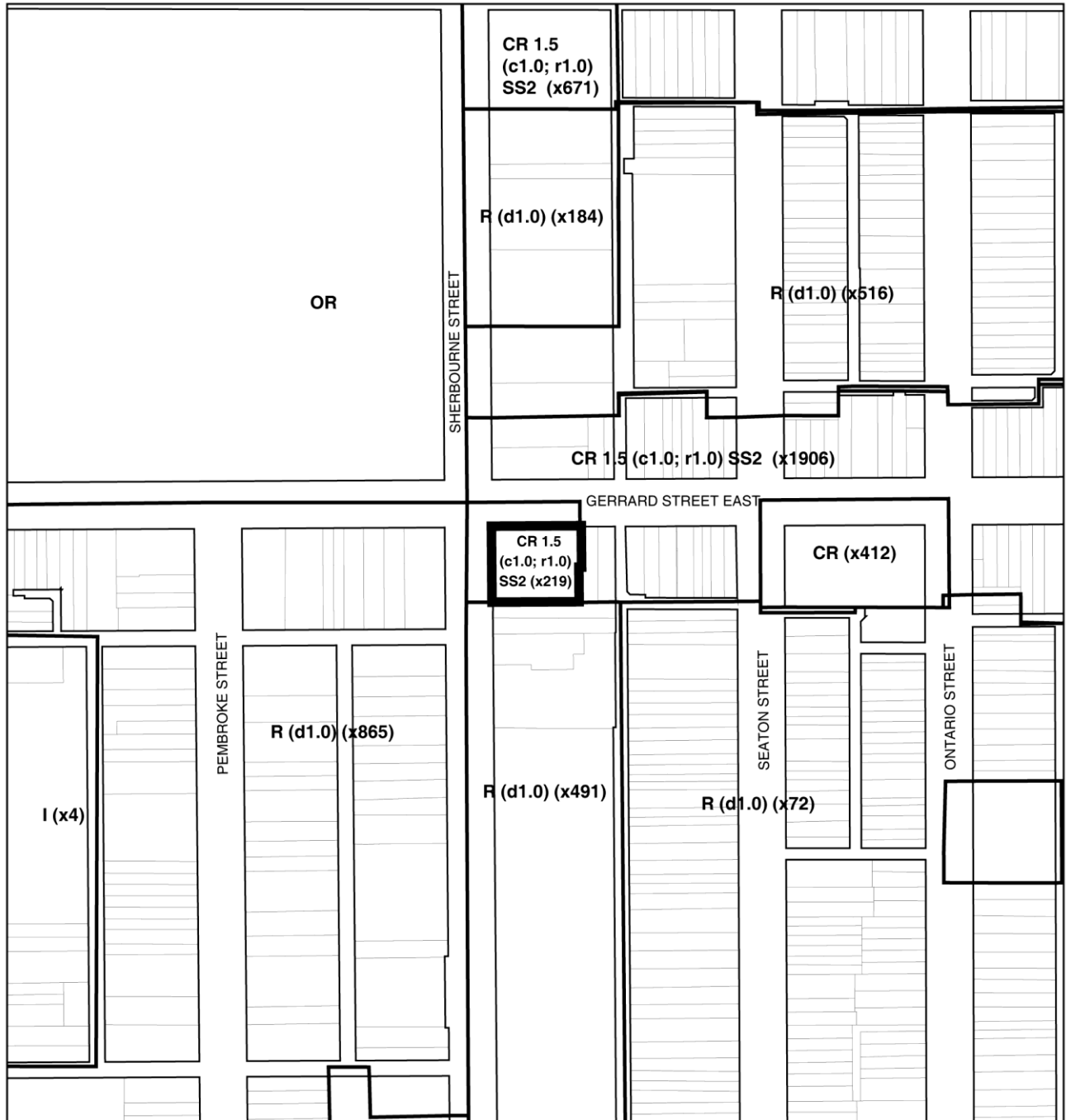
307 Sherbourne Street
File # 23 201185 STE 13 0Z

- Location of Application
- Neighbourhoods
- Mixed Use Areas
- Parks



Not to Scale
Extracted: 09/19/2023

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

307 Sherbourne Street

File # 23 201185 STE 13 0Z

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

 See Former City of Toronto By-law No. 438-86
MCR Mixed-Use District

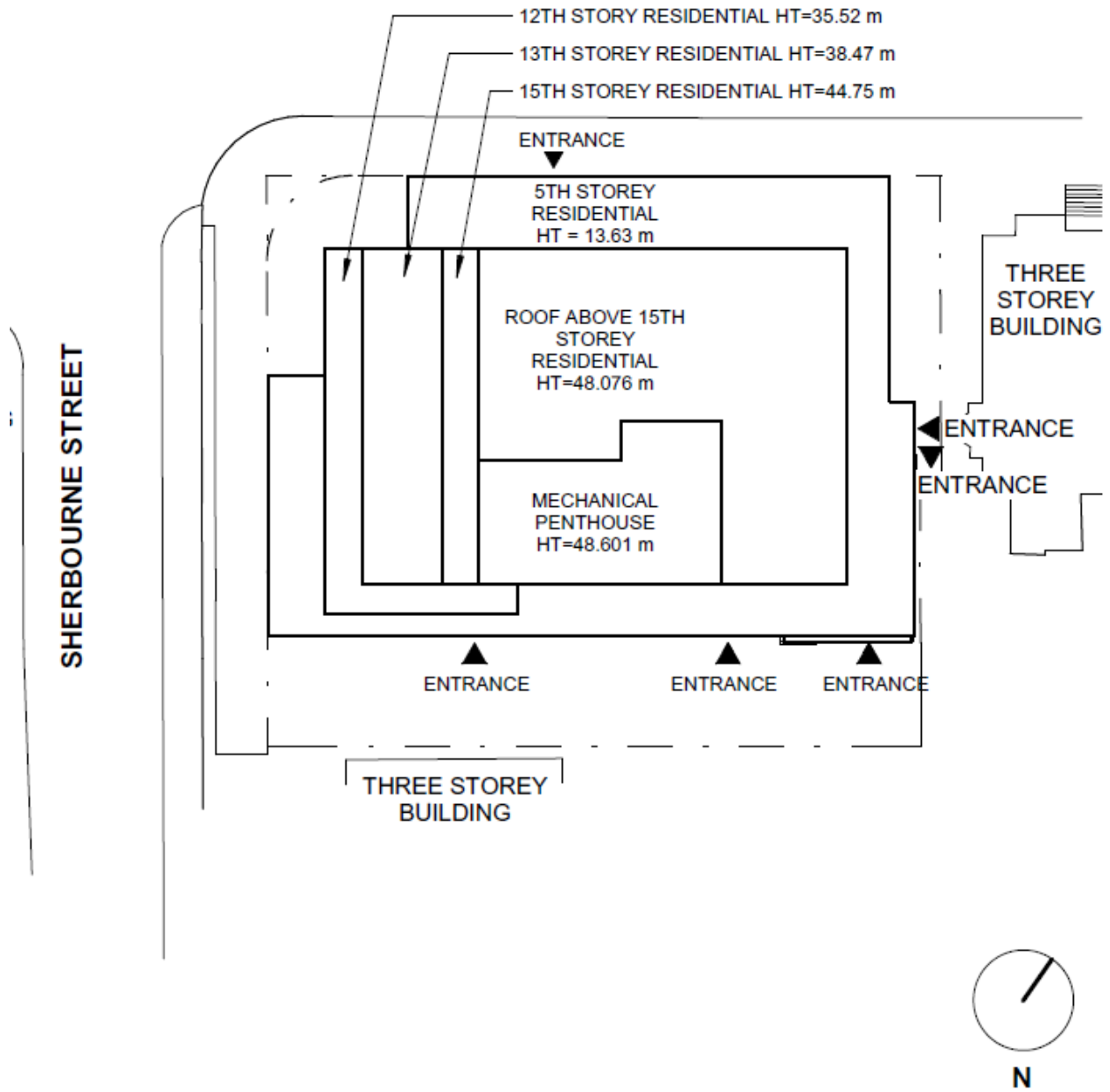


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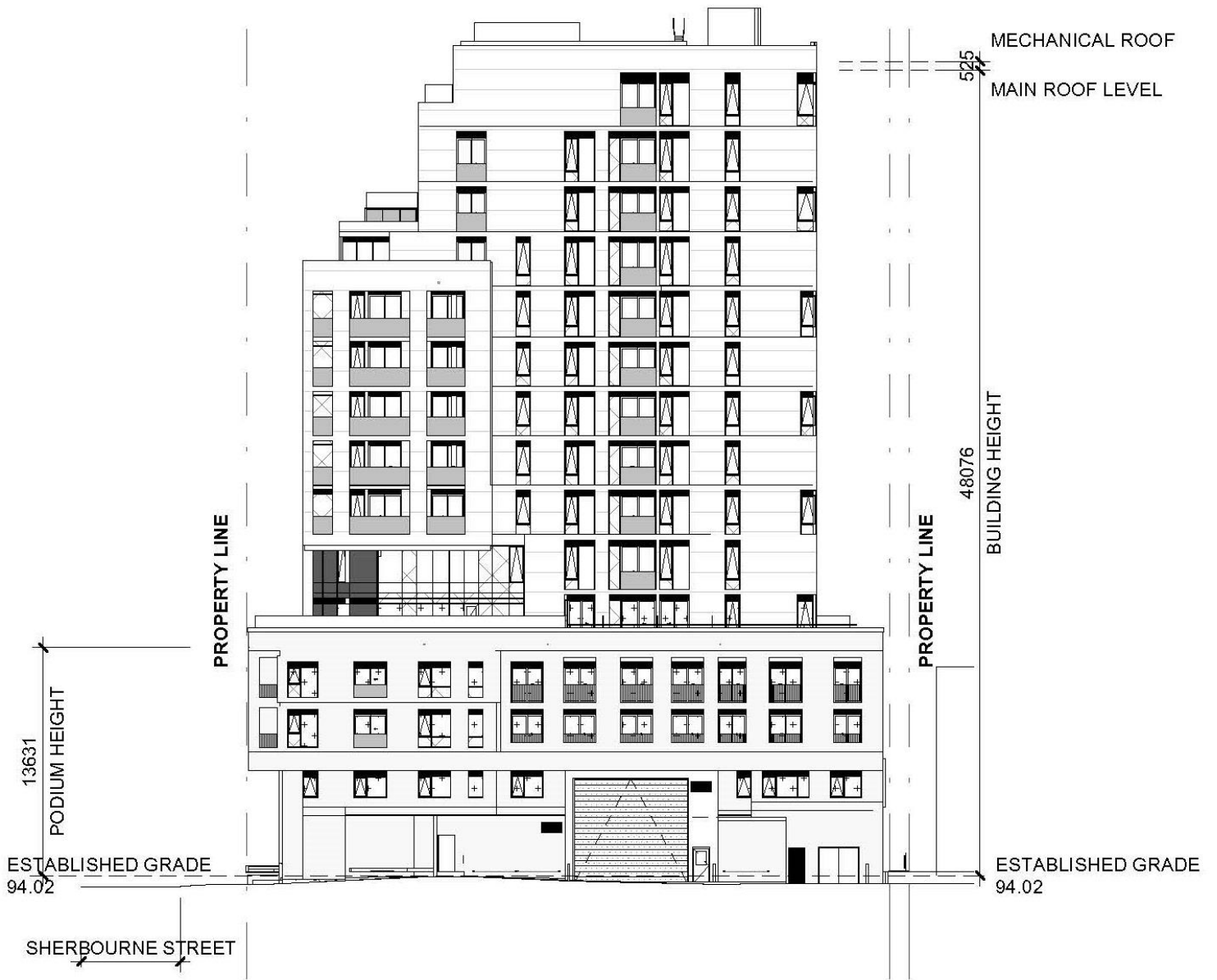
Attachment 5: Draft Zoning By-law Amendment

The draft by-law amendment will be made available on or before the November 15, 2023 Toronto and East York Community Council meeting.

GERRARD STREET EAST

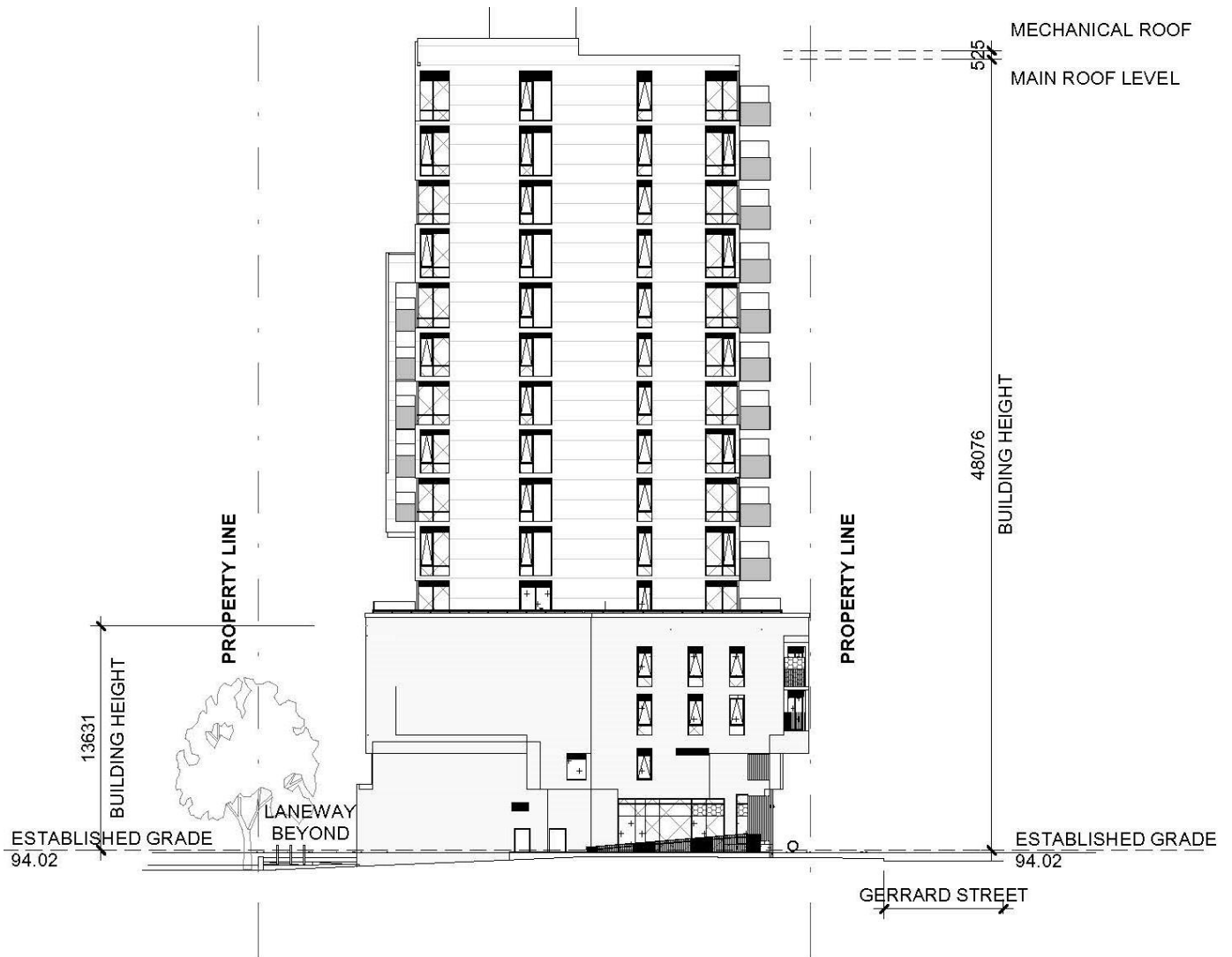


Attachment 7: South Elevation



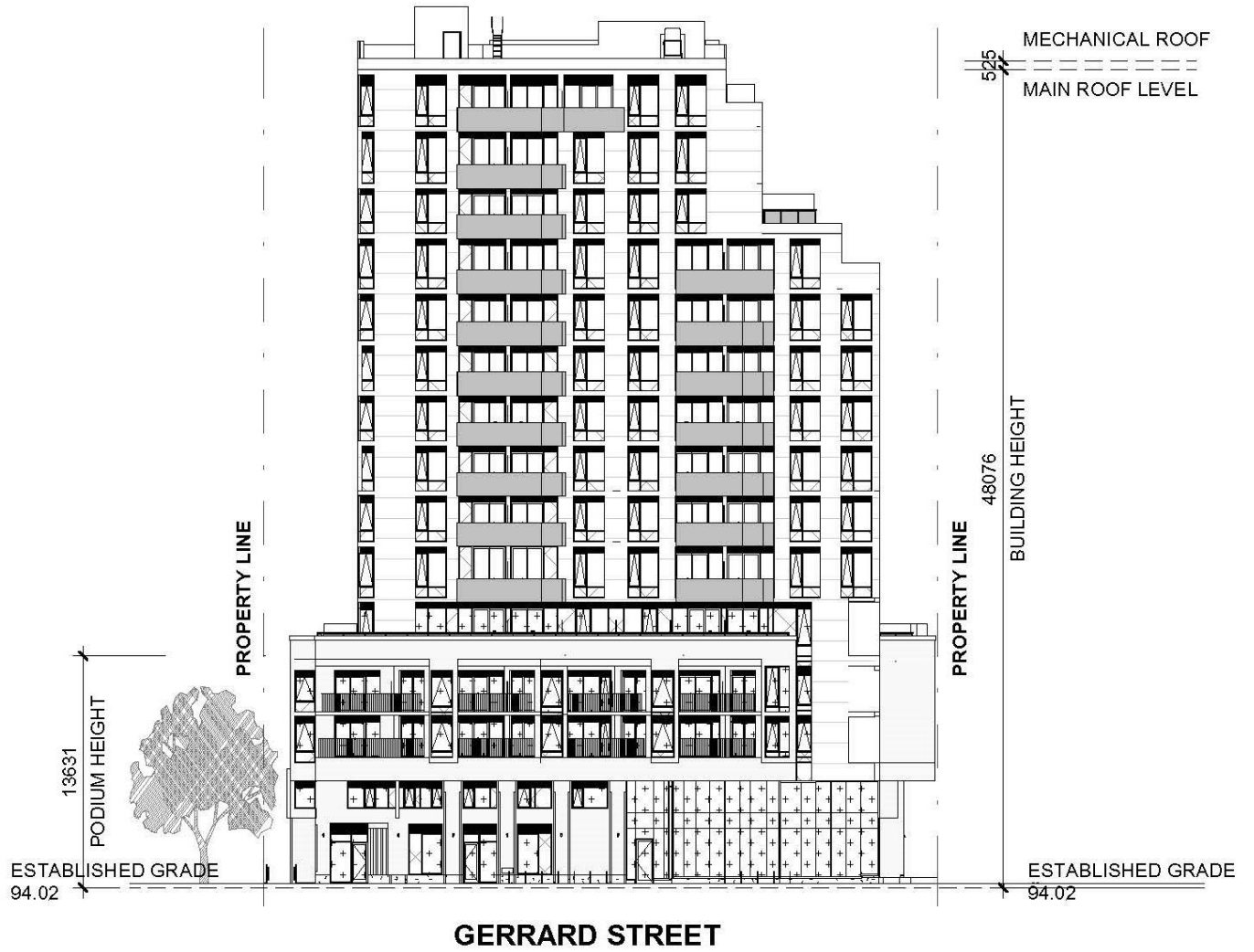
1 South Elevation
1:400

Attachment 8: East Elevation



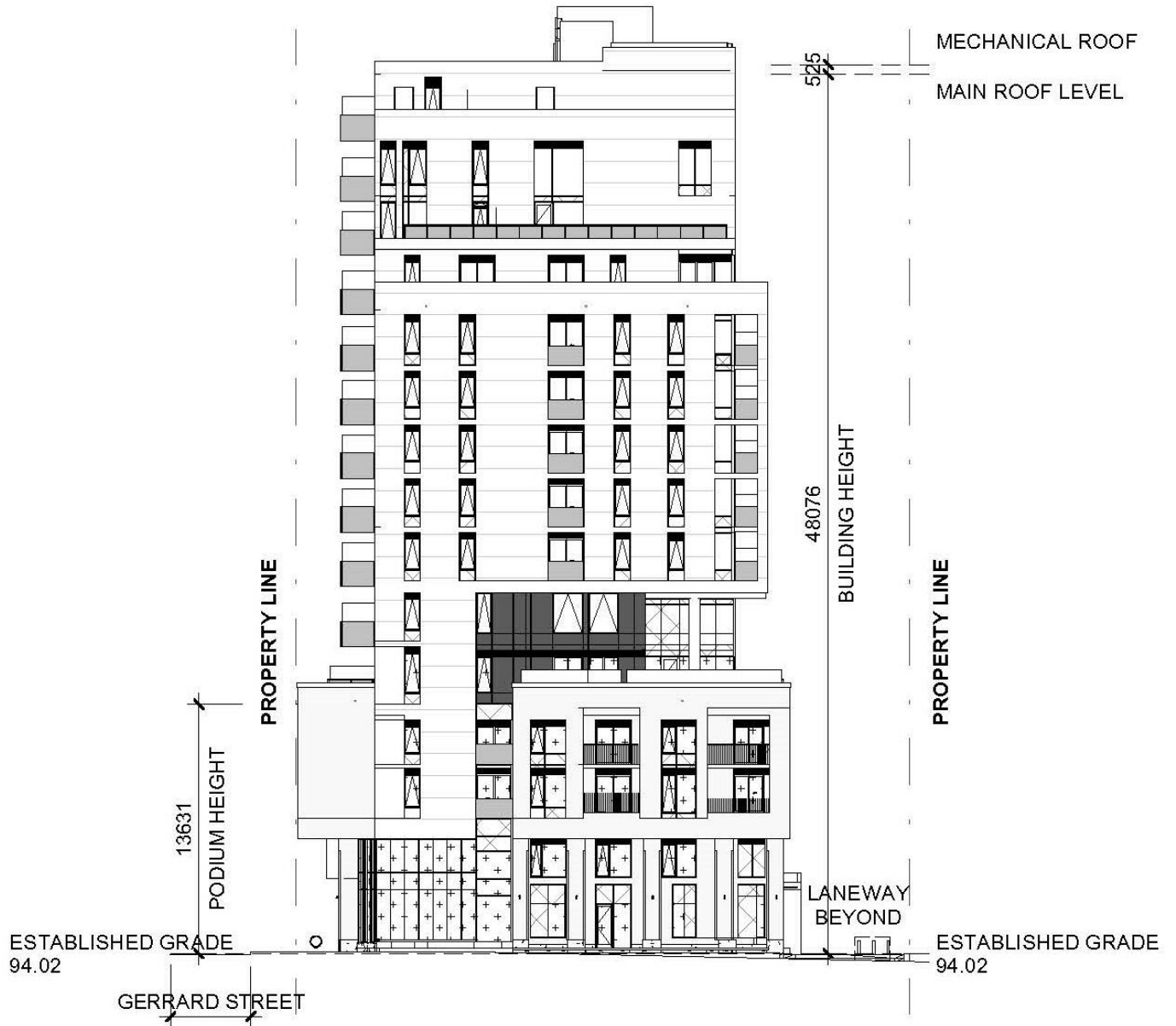
1 East Elevation
1:400

Attachment 9: North Elevation



1 North Elevation
1 : 400

Attachment 10: West Elevation



1 West Elevation
1:400