

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

Date: November 18, 2024

To: Toronto and East York Community Council

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

Ward: 13 - Toronto Centre

Planning Application Number: 24 200889 STE 13 OZ

SUMMARY

This Report reviews and recommends approval of the application to amend the Official Plan and Zoning By-law to permit a 3-storey addition to the approved and under construction 15-storey private student residence building at 307 Sherbourne Street.

In total, the 18 storey private student residence would include 223 student resident units, which is an increase of 23 units from the previously approved 15-storey proposal. The Official Plan Amendment is required to increase the maximum permitted building height. The Zoning By-law Amendment is required to increase the gross floor area, unit count, and secure alterations to the approved built form.

RECOMMENDATIONS

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

1. City Council amend the Official Plan for the lands municipally known as 307 Sherbourne Street substantially in accordance with the draft Official Plan Amendment included as Attachment 5 to this Report.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands municipally known as 307 Sherbourne Street substantially in accordance with the draft Zoning By-law Amendment included as Attachment 6 to this Report.

3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.

FINANCIAL IMPACT

The Development Review 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 approved 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. The 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) establishes 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.

On December 13, 2023, City Council approved a zoning by-law amendment to permit the inclusion of a private student residence use on site, reduction of the minimum required parking, a 1-metre increase in height, and an increase in the overall dwelling unit count. The City Council decision can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.TE9.17>

THE SITE

Description

The site is located on the south-east corner of Sherbourne Street and Gerrard Street East. The site is generally 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. See Attachment 2 for the Location Map.

Existing Use

A private student residence building is currently under construction. Prior to the start of construction, the site was vacant.

THE APPLICATION

Description

A 3-storey increase in height (11.5 metre) to the approved 15-storey (48 metre) private student residence. An additional 23 units will be accommodated within the 3 storeys.

Density

The proposal has a density of 6.95 times the area of the lot.

Private Student Residence

The proposal includes 223 dwelling units to be used as a Private Student Residence, comprised of 181 studio (81%), 9 one-bedroom (4%), 22 two-bedroom (10%), and 11 three-bedroom units (5%).

Amenity Space

The application proposes 690.3 square metres of amenity space, comprised of 497.4 square metres of indoor amenity space (2.23 square metres per unit), and 171.7 square metres of outdoor amenity space (0.77 square metres per unit). The amenity space proposed exceeds the minimum requirements of the in-force site specific zoning by-law for a private student residence and is acceptable to staff.

Access, Parking and Loading

The proposal includes a total of 4 vehicular parking spaces including 1 accessible parking space, a total of 272 bike parking spaces, and 1 Type-G loading space.

Additional Information

See Attachments 1, 2, 7, 8, and 9 of this Report for the Application Data Sheet, Location Map, site plan, elevations, and 3D massing views 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/307sherbournest

Reasons for Application

The Official Plan Amendment is required to increase the maximum building permitted height. The Zoning By-law Amendment is required to increase the gross floor area, unit count, and secure alterations to the approved built form.

APPLICATION BACKGROUND

A pre-application consultation (PAC) meeting was held on June 27, 2024. The Planning Application Checklist Package resulting from the PAC meeting is available on the Application Information Centre.

The application was submitted on August 29, 2024 and deemed complete on September 27, 2024, satisfying the City's minimum application requirements. The reports and studies submitted in support of this application are available on the Application Information Centre www.toronto.ca/307sherbournest.

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to draft the Official Plan and Zoning By-law amendments.

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 Planning Statement (2024).

Official Plan

The site is located within the Downtown and Central Waterfront area and is designated Mixed Use Areas. See Attachment 3 of this Report for the Land Use Map.

Downtown Secondary Plan

The Downtown Secondary Plan identifies the site as Mixed Use Areas 3 - Main Street. Development in Mixed Use Area 3 will generally be in the form of mid-rise buildings, with some low-rise and tall buildings permitted based on compatibility.

Site and Area Specific Policy 461 - Garden District Area Specific Policy

The Garden District SASP (OPA 82) establishes a policy framework that directs where growth can be accommodated, while providing protection for stable neighbourhoods and heritage resources, the provision of additional affordable housing, and public realm enhancements.

The Garden District SASP contains policies that do not permit net-new shadow on Allan Gardens between March 21 and September 21 between 10AM and 6PM and the conservatory buildings throughout the year.

The site is identified as Block 1 within the Sherbourne Corridor Character Area, which permits a tall building.

Site and Area Specific Policy 567

As part of the December 3, 2020, LPAT approval, Official Plan Amendment 446 (By-law 1190-2020(LPAT)) was enacted to apply SASP 567 on the site. The SASP permits a tall building with a maximum height of 48.0 metres.

Garden District Heritage Conservation District

The site is located within the Garden District Heritage Conservation District and is identified as a non-contributing property within the plan. The site is also identified as having a site-specific exception from the policies of the plan.

Zoning

The subject site is zoned CR 1.5 (c1.0; r1.0) SS2 (x219) under Zoning By-law 569-2013. The site specific zoning permits a 48.0 metre tall building with the performance standards approved by City Council in 2023 through by-law 1300-2023. See Attachment 4 of this Report for the existing Zoning By-law Map.

Design Guidelines

The Tall Building Design Guidelines have been used in the evaluation of this application.

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 TGS. Tiers 2 and above are voluntary, higher levels of performance with financial incentives (partial development charges refund). Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement.

PUBLIC ENGAGEMENT

Community Consultation

A Virtual Community Consultation Meeting was hosted by Community Planning staff on November 5, 2024, where presentations were given by City staff and the applicant. Approximately 7 people participated as well as a representative from the local Councillor's office. The following comments and issues were raised:

- the increased height is out of scale with the low-rise character of Sherbourne Street and the adjacent neighbourhoods;
- the increased shadow on the park reduces its utility and the enjoyment of users; and
- the cladding material is not consistent with the previous proposal which more closely resembles the materials used in nearby properties.

In addition to the community consultation meeting, Community Planning staff received comments on the application from area residents and the Cabbagetown Southwest Heritage Advisory Committee. The comments included:

- the proposed height is out of scale with the historic house-form buildings along Gerrard Street East and Sherbourne Street.
- new development would lead to a local increase in rents and property values that would drive out local residents;
- the shadow impacts on the Heritage Conservation District and Allan Gardens would diminish and harm those spaces;

OCAD University and Toronto Metropolitan University submitted letters in support of the application to Community Planning staff.

The issues raised through the community consultation process have been considered through the review of the application and commented on as necessary in the body of this Report.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have an opportunity to hear the oral submissions made at the statutory public meeting held by the Toronto and East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

COMMENTS

Provincial Planning 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 PPS (2024). Staff find the proposal consistent with the PPS (2024).

Official Plan Policies and Design Guidelines

This application has been reviewed against the Official Plan policies, Secondary Plan policies, Site and Area Specific Policies, and design guidelines described in the Policy and Regulation Considerations Section of this Report.

Height, Massing

The increased building height is acceptable within the existing and planned context of the area. The proposal is consistent with the policies of the Sherbourne Corridor Character Area of the Garden District SASP, which identifies a tall building on this site.

The overall massing is consistent with the built form that was approved by the LPAT in 2020, and City Council in 2023, with minor changes. The most significant changes include the base building along Gerrard Street East at levels 3 and 4 being setback 3.5 metres, as opposed to 0 metres due to conflicts with Toronto hydro setback requirements from overhead power lines. The balconies along the Gerrard Street East frontage have also been removed.

The setbacks of the base building to the east property line have been increased, ranging from 1.8 to 3.2 metres, whereas the previous approval had a range of 0 to 2.8 metres. The setbacks of the base building to the south property line have increased to a range of 6.5 to 9.0 metres, whereas the previous approval had base building setbacks from the south property line of 6.3 to 6.7 metres.

Along Sherbourne Street, the stepback that previously occurred at level 15 has been relocated to level 18 to account for the additional height. The stepback limits the size of the shadow cast on Allan Gardens from the additional height. The stepbacks at level 12 and 13 are maintained from the previous approval.

The proposed changes to the built form generally result in an increase in the building setbacks, generally maintain the previously approved massing, and are acceptable to staff.

Housing

The application proposes an additional 23 student rental units on the site, which results in a total permitted unit count of 223 units.

Heritage Conservation

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". Heritage Planning has reviewed the proposed changes to the massing and concluded that the changes are minor and that the proposal is substantially in accordance with the Listed Approval in Appendix "G".

Shadow Impact

The applicant submitted a shadow study in support of their application. The proposal casts limited net new shadow on the conservatory buildings between 8:36AM and 8:45AM on March 21, and between 8:18AM and 8:30AM on September 21. There is no additional shadow cast on the conservatory on June 21 and December 21. The shadow would increase in length across the park grounds however the duration of the shadow on the park remains the same as the previous approval. The increased shadow is acceptable to staff.

Wind Impact

The Pedestrian Level Wind Study Addendum submitted in support of the application concludes that the wind conditions for all grade-level pedestrian wind-sensitive areas within and surrounding the site, will be acceptable for the intended uses on a seasonal basis. Wind mitigation measures are proposed on the amenity terraces at levels 13 and 18 to maintain comfortable conditions for the intended use of those areas.

Access, Vehicular and Bicycle Parking and Loading

A Transportation Impact Study was submitted in support of the proposal. It concluded the traffic impact, access, parking and loading arrangements for this development would be acceptable. Transportation Services staff have reviewed the report and accept its conclusions.

The provision of 4 visitor parking spaces is unchanged from the previous approval. The Type-G loading space would continue to be located at the southern end of the ground floor and accessed from the driveway that leads to Sherbourne Street. A total of 272 bicycle parking spaces are proposed.

Parkland

In accordance with Section 42 of the Planning Act, the owner is required to satisfy the parkland dedication requirement through cash-in-lieu. As per Toronto Municipal Code Chapter 415-29, the appraisal of the cash-in-lieu will be determined under the direction of the Executive Director, Corporate Real Estate Management. Additionally, the Toronto Municipal Code Chapter 415-28, requires that the payment be made prior to the issuance of the first above-ground building permit for the land to be developed.

Toronto Green Standard

The applicant is required to meet Tier 1 of the TGS in force at the time of a complete application for Site Plan Control. 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

Jeremy Humphrey, Senior Planner, Community Planning, Tel. No. 416-392-1729,
E-mail: jeremy.humphrey@toronto.ca

SIGNATURE

Oren Tamir
Director, Community Planning
Toronto and East York District

ATTACHMENTS

City of Toronto Information/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Official Plan Amendment
- Attachment 6: Draft Zoning By-law Amendment

Applicant Submitted Drawings

- Attachment 7: Site Plan
- Attachment 8: Elevations and/or Ground Floor Plan
- Attachment 9: 3D Massing Model

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 307 Sherbourne St Date Received: August 29, 2024

Application Number: 24 200889 STE 13 OZ

Application Type: Official Plan Amendment and Zoning By-law Amendment

Project Description: Official Plan & Zoning By-law Amendment for an 18-storey, student residence consisting of 223 rental units within 9,113 square metres of floor area. This application proposes 3 additional storeys beyond what was previously approved on the site.

Applicant	Agent	Architect	Owner
Batory Planning and Management	Batory Planning and Management	Superkul	307 Sherbourne GP Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: OPA 82

Zoning: CR 1.5 (c1.0; r1.0) SS2 (x1906) Heritage Designation:

Height Limit (m): 12 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):			1,009	1,009
Residential GFA (sq m):			9,114	9,114
Non-Residential GFA (sq m):				
Total GFA (sq m):			9,114	9,114
Height - Storeys:			18	18
Height - Metres:			58	58

Lot Coverage Ratio (%) 76.93 Floor Space Index: 6.95

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 9,012 102

Retail GFA:

Office GFA:

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			223	223
Other:				
Total Units:			223	223

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		181	9	22	11
Total Units:		181	9	22	11

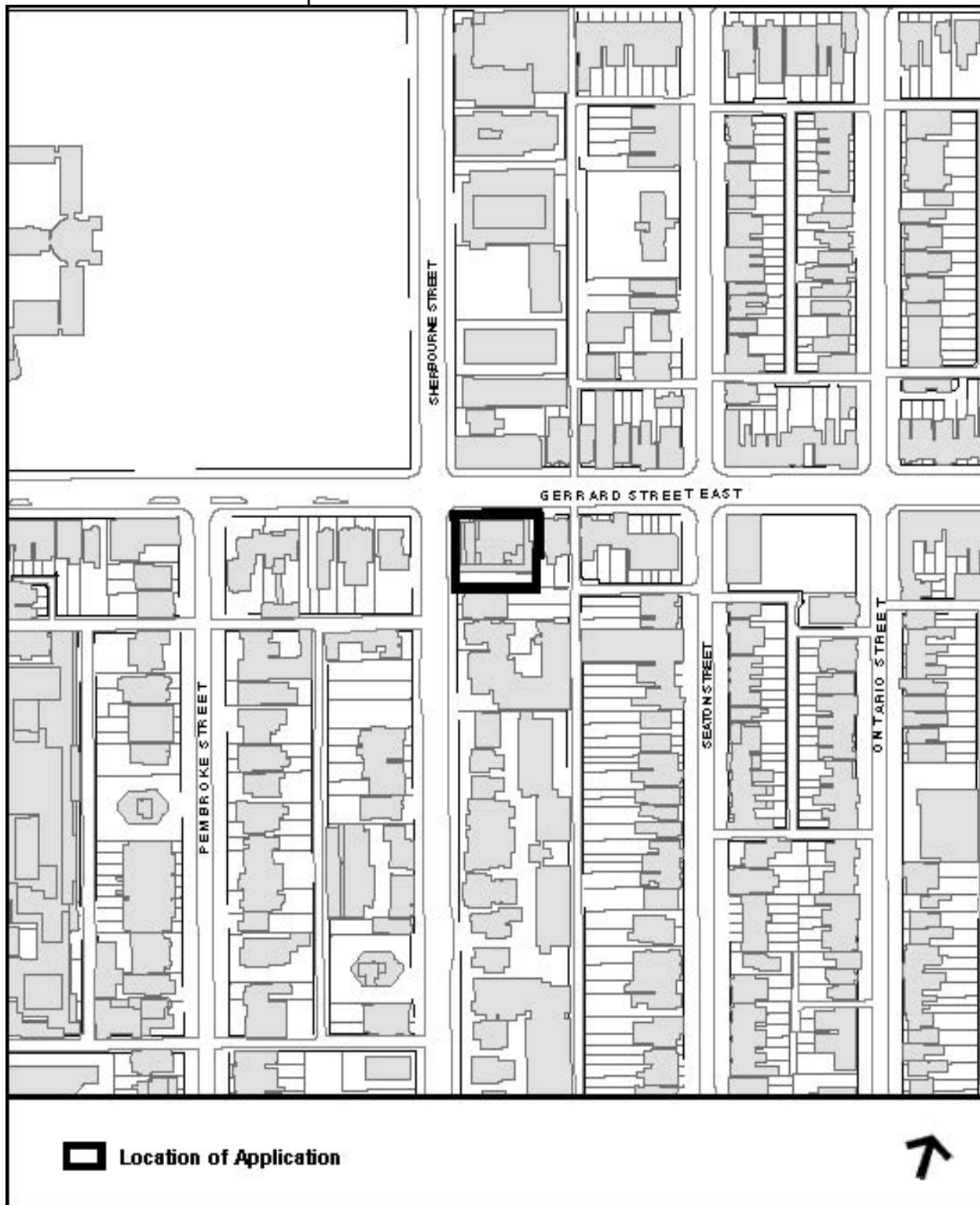
Parking and Loading

Parking Spaces: 4 Bicycle Parking Spaces: 272 Loading Docks: 1

CONTACT:

Jeremy Humphrey, Senior Planner, Community Planning
 416-392-1729
jeremy.humphrey@toronto.ca

Attachment 2: Location Map



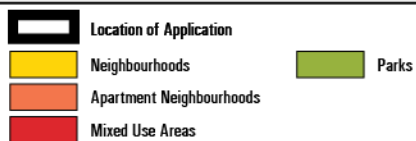
Attachment 3: Official Plan Land Use Map




Official Plan Land Use Map #18

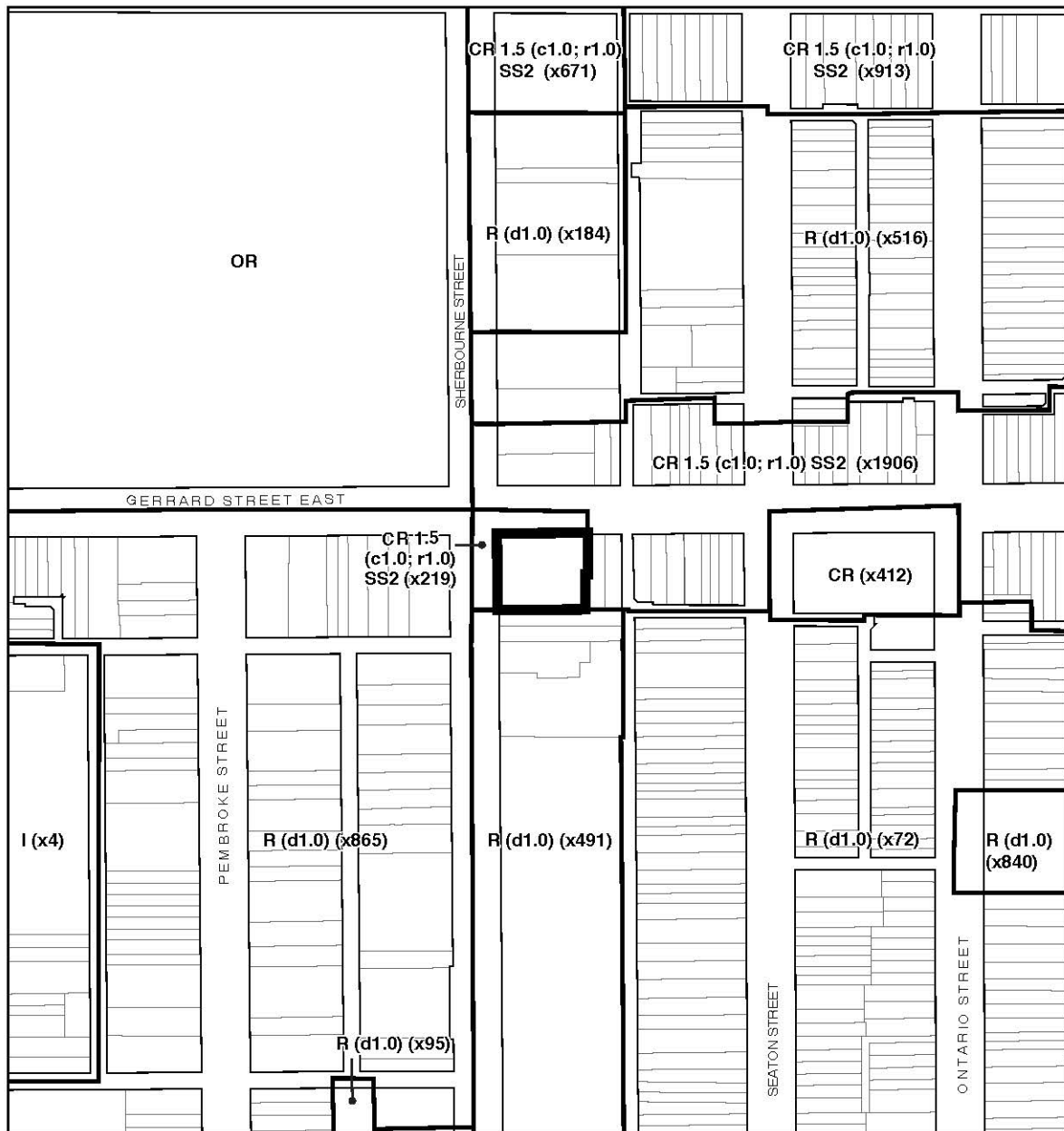
307 Sherbourne Street

File # 24 200889 STE 13 0Z




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Extracted: 08/26/2024

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

307 Sherbourne Street

File # 24 200889 STE 13 0Z



Location of Application

R
CR
I
OR

Residential
Commercial Residential
Institutional
Open Space Recreation



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



Not to Scale
Extracted: 08/26/2024

Attachment 5: Draft Official Plan Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 2024

CITY OF TORONTO BY-LAW XXX

BILL XXX

To adopt an amendment to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2024 as 307 Sherbourne Street

Whereas authority is given to Council under the Planning Act, R.S.O. 1990, C.P. 13, as amended, to pass this By-law;

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto enacts:

The attached Amendment No. 779 to the Official Plan is hereby adopted pursuant to the Planning Act, as amended.

Enacted and Passed this ~ day of ~, A.D. 2024.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

AMENDMENT NO. 779 TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2024 AS 307 SHERBOURNE STREET

The Official Plan of the City of Toronto is amended as follows:

Chapter 7, Site and Area Specific Policies, is amended by deleting Site and Area Specific Policy No. 567 and replacing it with the following:

567. 307 Sherbourne Street

A tall building with a maximum height of 59.5 metres including mechanical penthouse is permitted.



Attachment 6: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item TE9.17, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

BY-LAW [Clerks to insert By-law number]

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2024 as 307 Sherbourne Street

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and,

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act, as amended.

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.1 respecting the lands outlined by heavy black lines from a zone label of CR 1.5 (c1.0; r1.0) SS2 (x219) as shown on Diagram 2 attached to this By-law.
3. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, as amended, Chapter 800 Definitions.
4. Zoning By-law 569-2013, as amended, is further amended by amending Article 900.11.10 Exception Number 219 as follows:

(A) Subsection (D)(ii) is deleted and replaced with the following:

“(ii) A maximum of 223 dwelling units are provided for the “private student residence”;

(B) Subsection (I) is deleted and replaced with the following:

“(I) Despite regulation 40.10.40.40(1), the permitted maximum gross floor area of all buildings and structures is 9,250 square metres, of which:

1. the permitted maximum gross floor area for residential uses is 9,200 square metres; and

2. the required minimum gross floor area of a “geo-energy facility” is 25 square metres

(C) Diagram 3 of Article 900.11.10 Exception Number 219 is deleted and replaced with Diagram 2 of By-law [Clerks to insert By-law number]

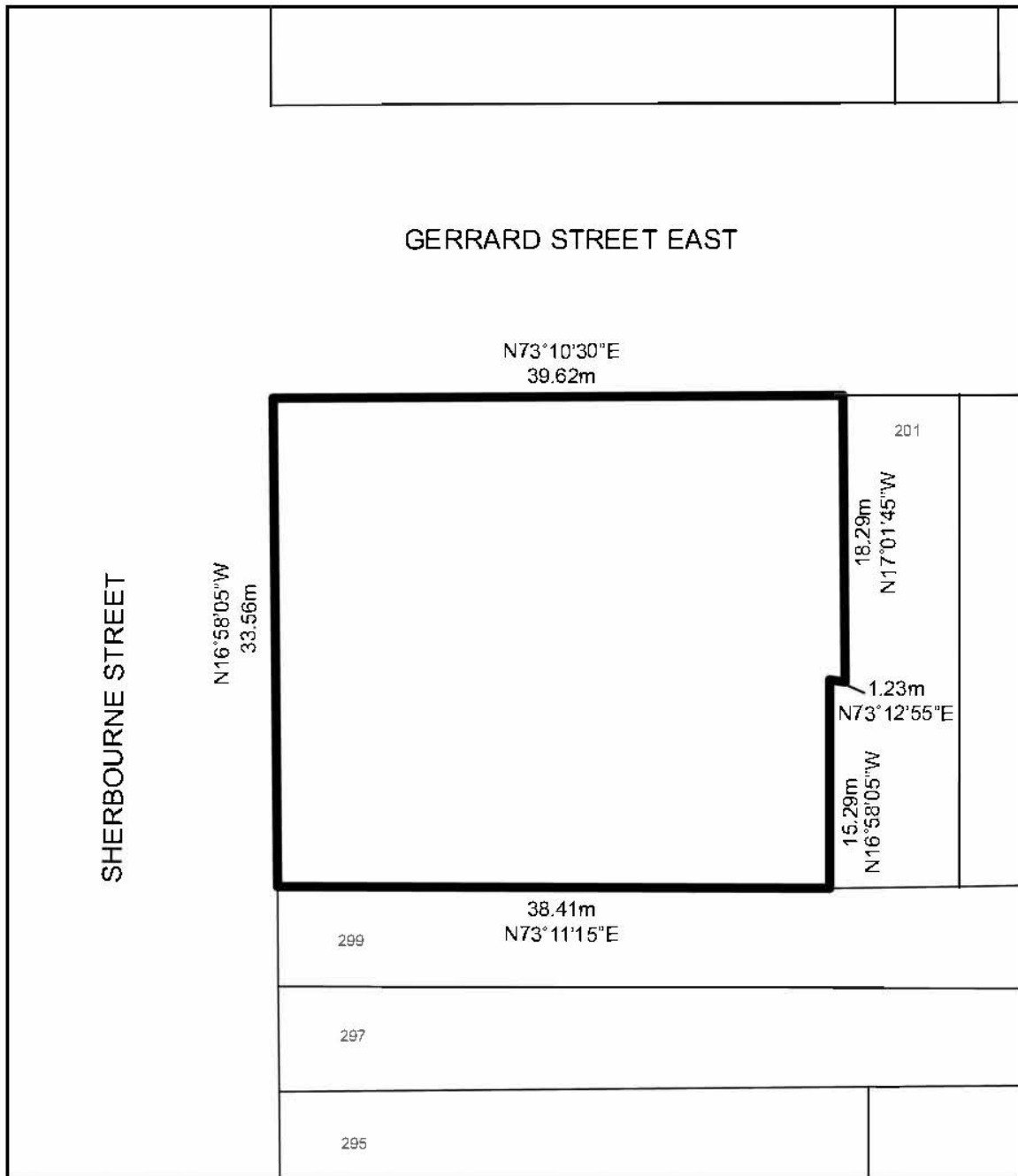
Prevailing By-laws and Prevailing Sections: (None Apply)

Enacted and passed on [Clerks to insert date].

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

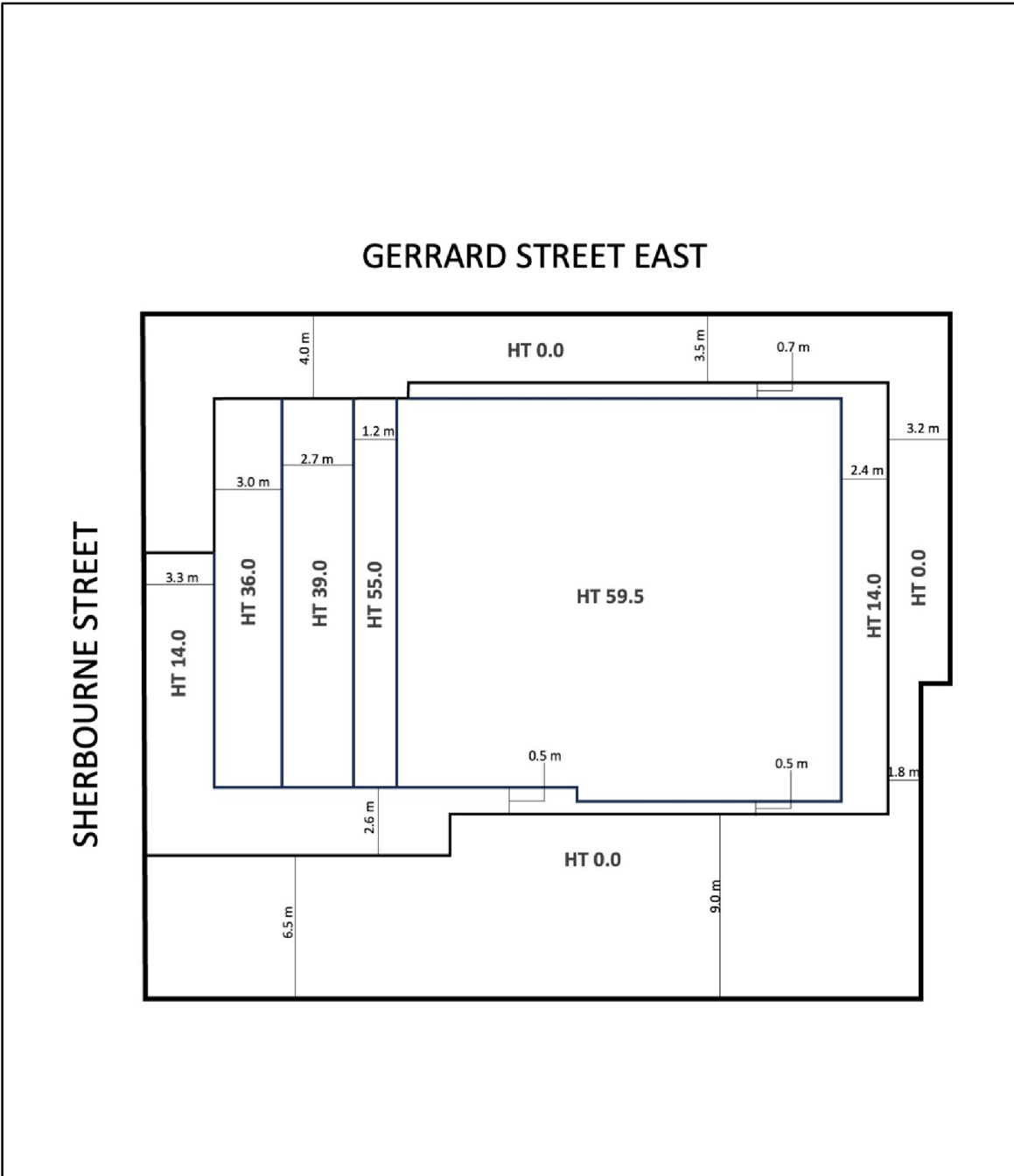


TORONTO
Diagram 1

307 Sherbourne Street

File # 24 200889 STE 13 OZ

City of Toronto By-law 569-2013
Not to Scale
11/13/2024



Toronto
Diagram 2

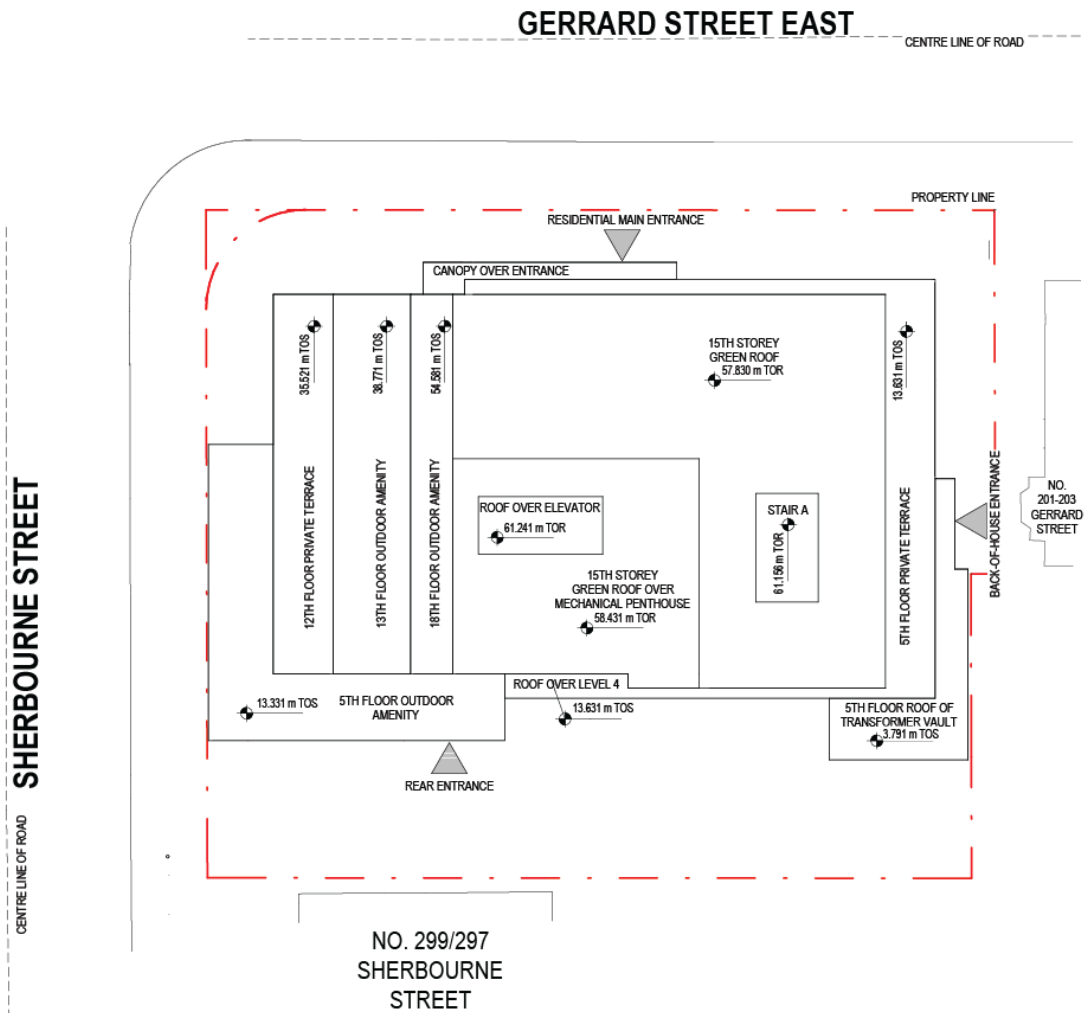
307 Sherbourne Ave.

File # 24 200889 STE 13 0Z



City of Toronto By-law 569-2013
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Attachment 7: Site Plan



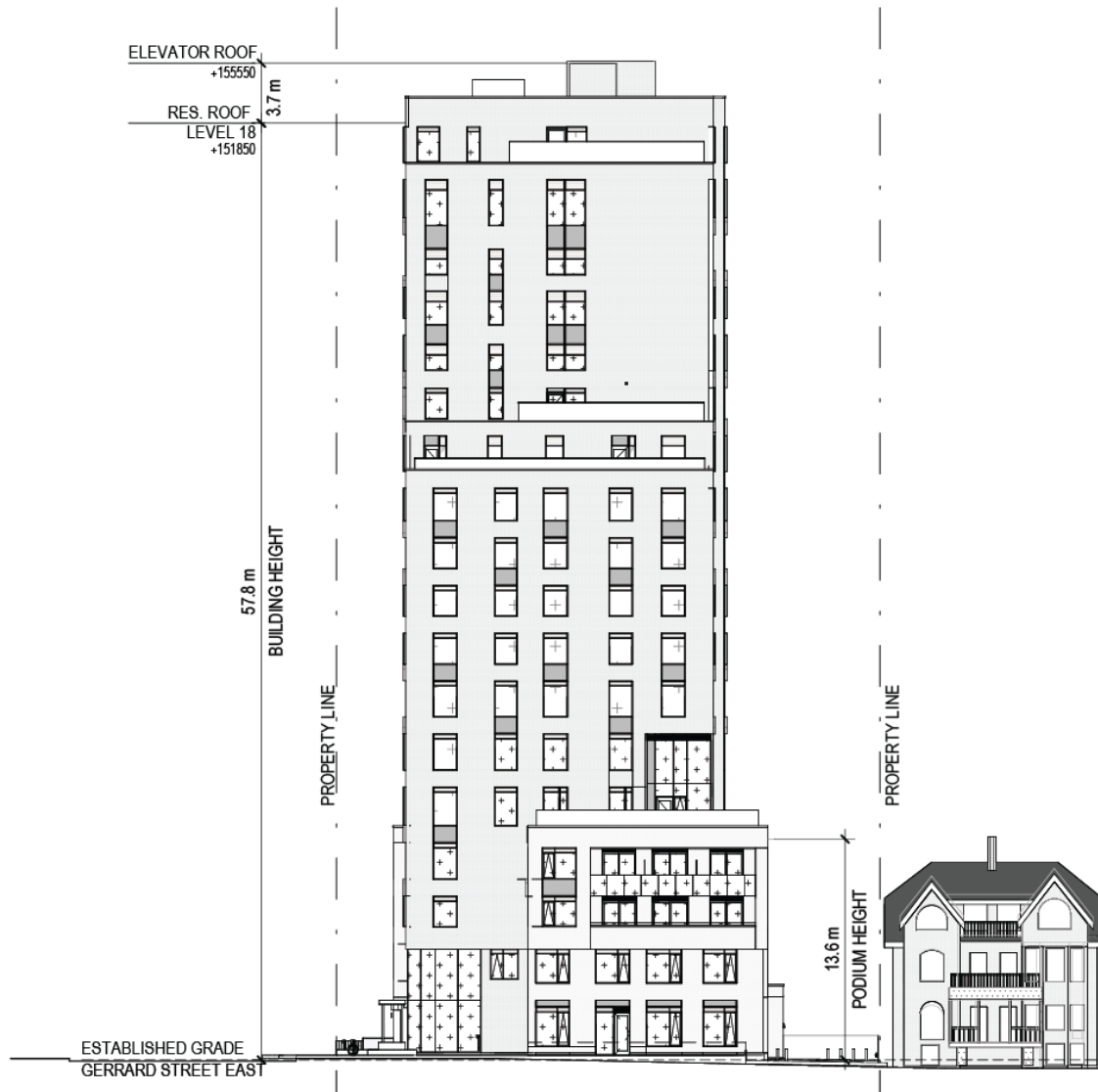
Site Plan



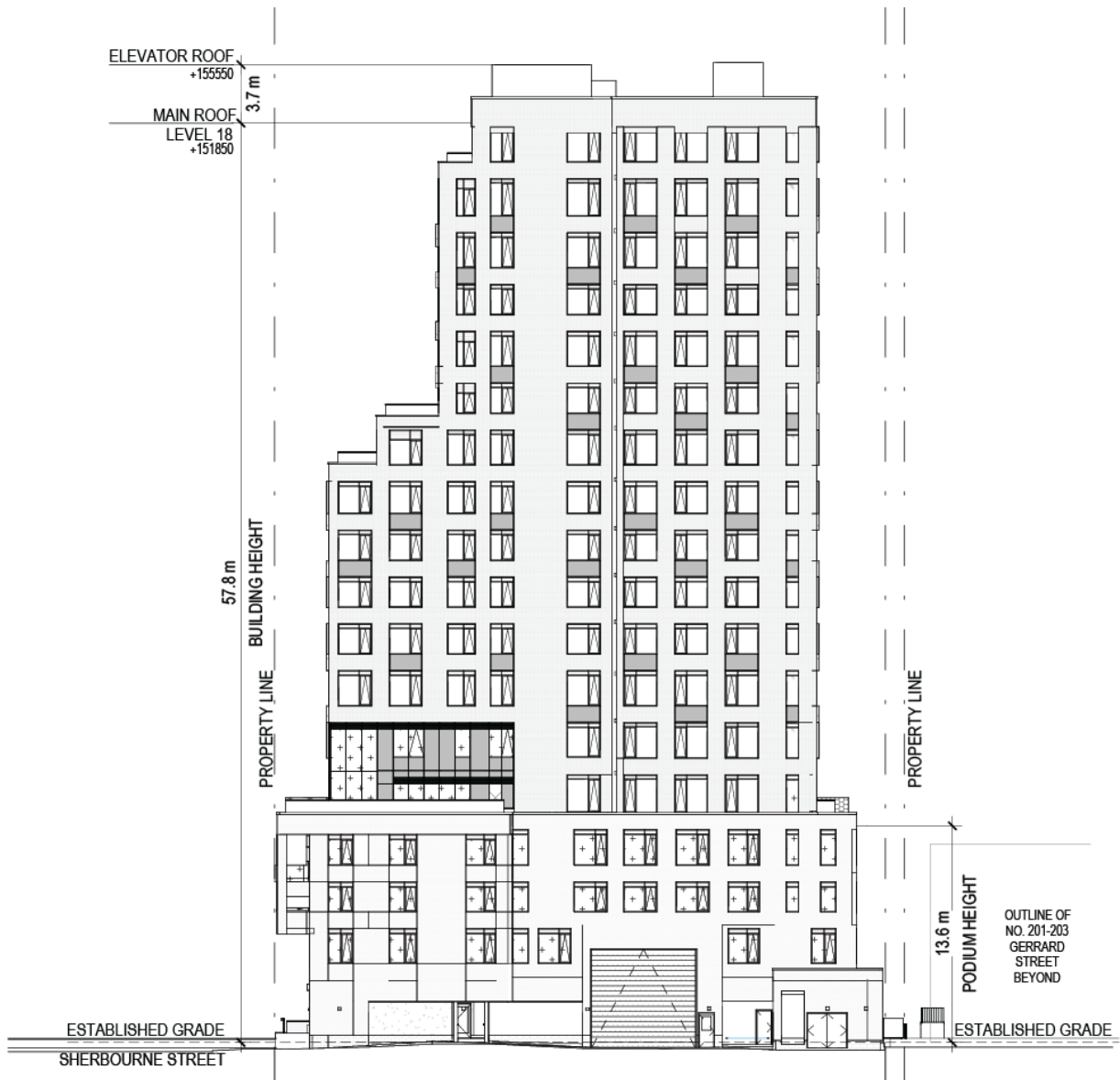
Attachment 8: Elevations



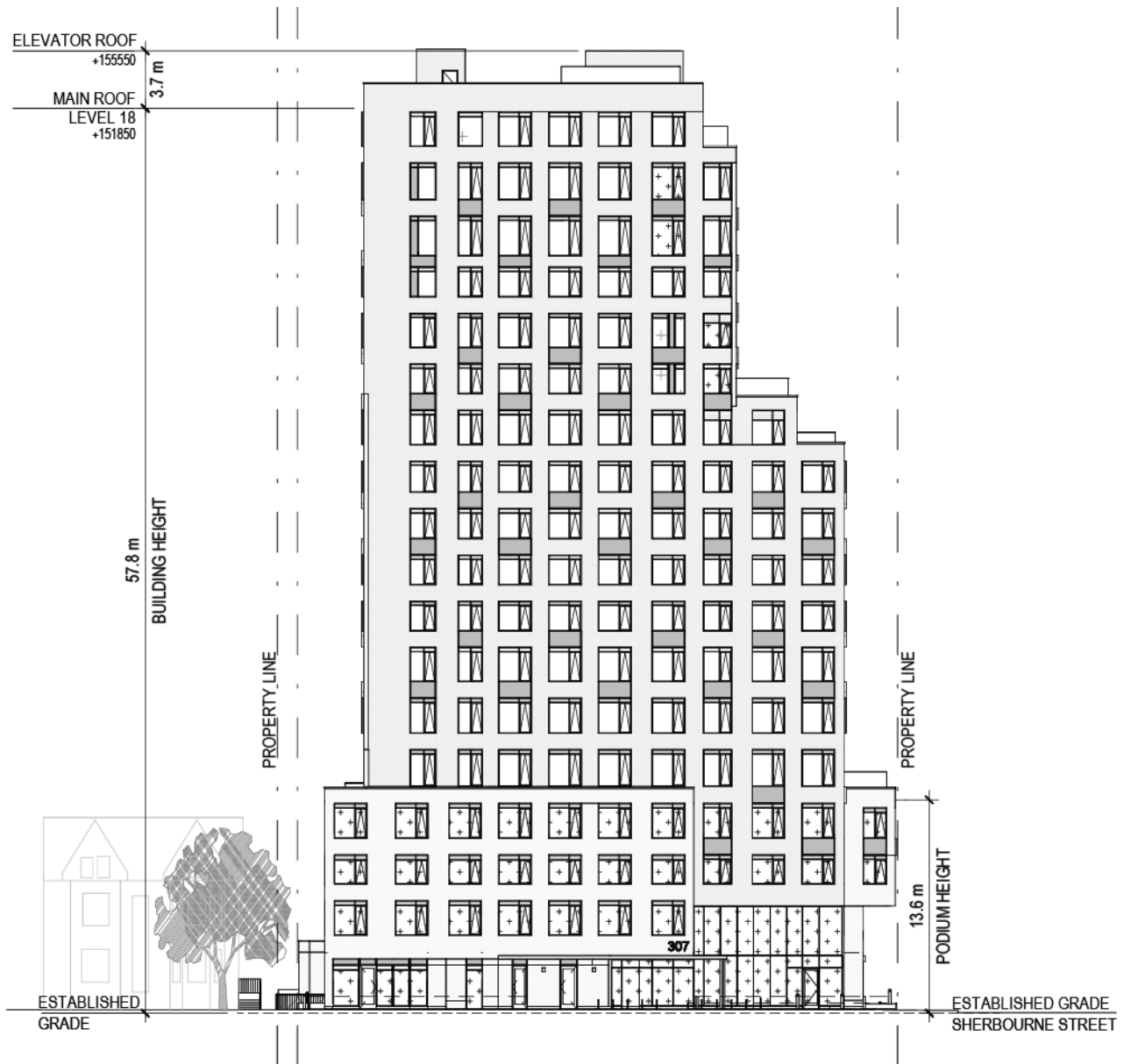
East Elevation



North Elevation

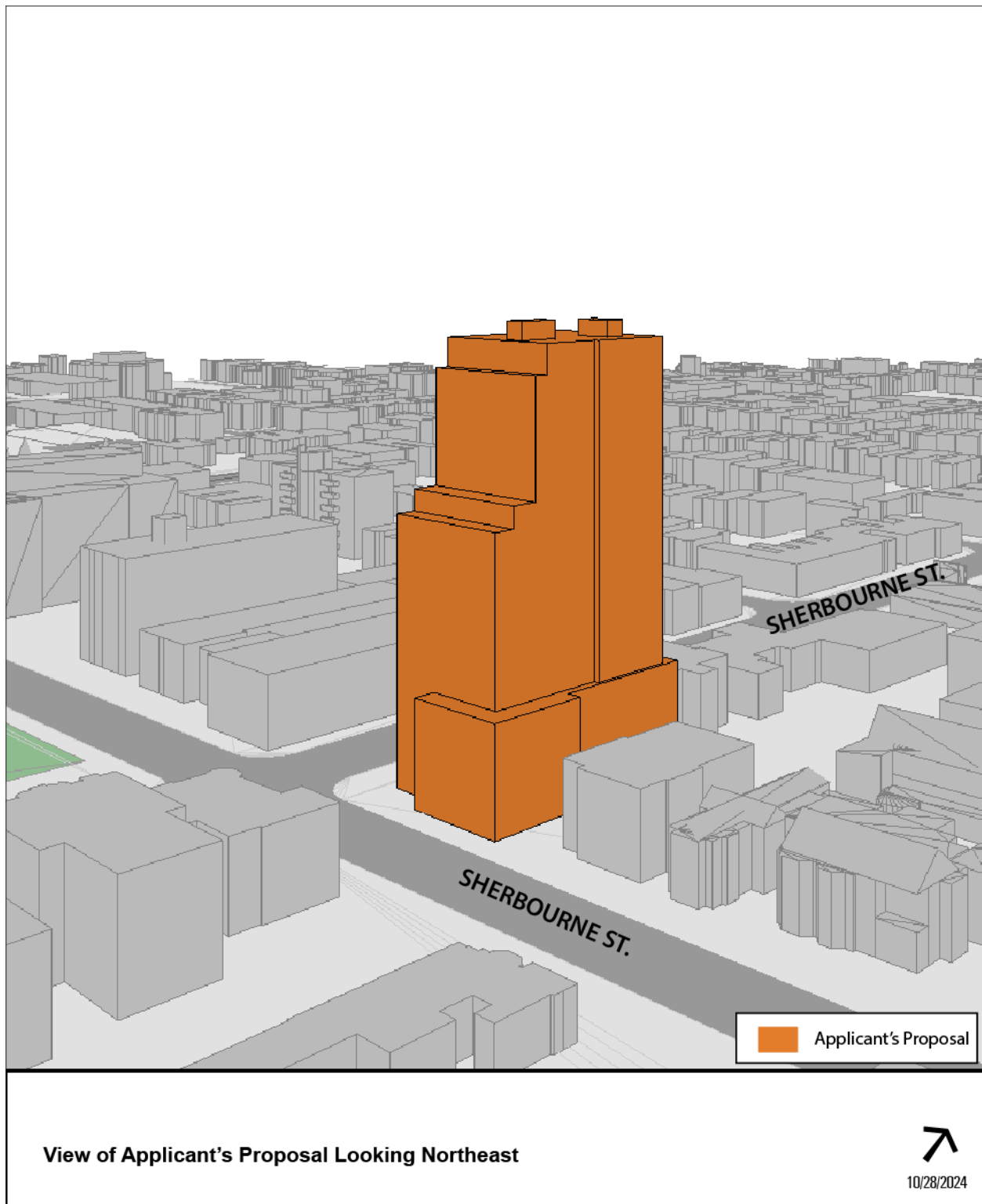


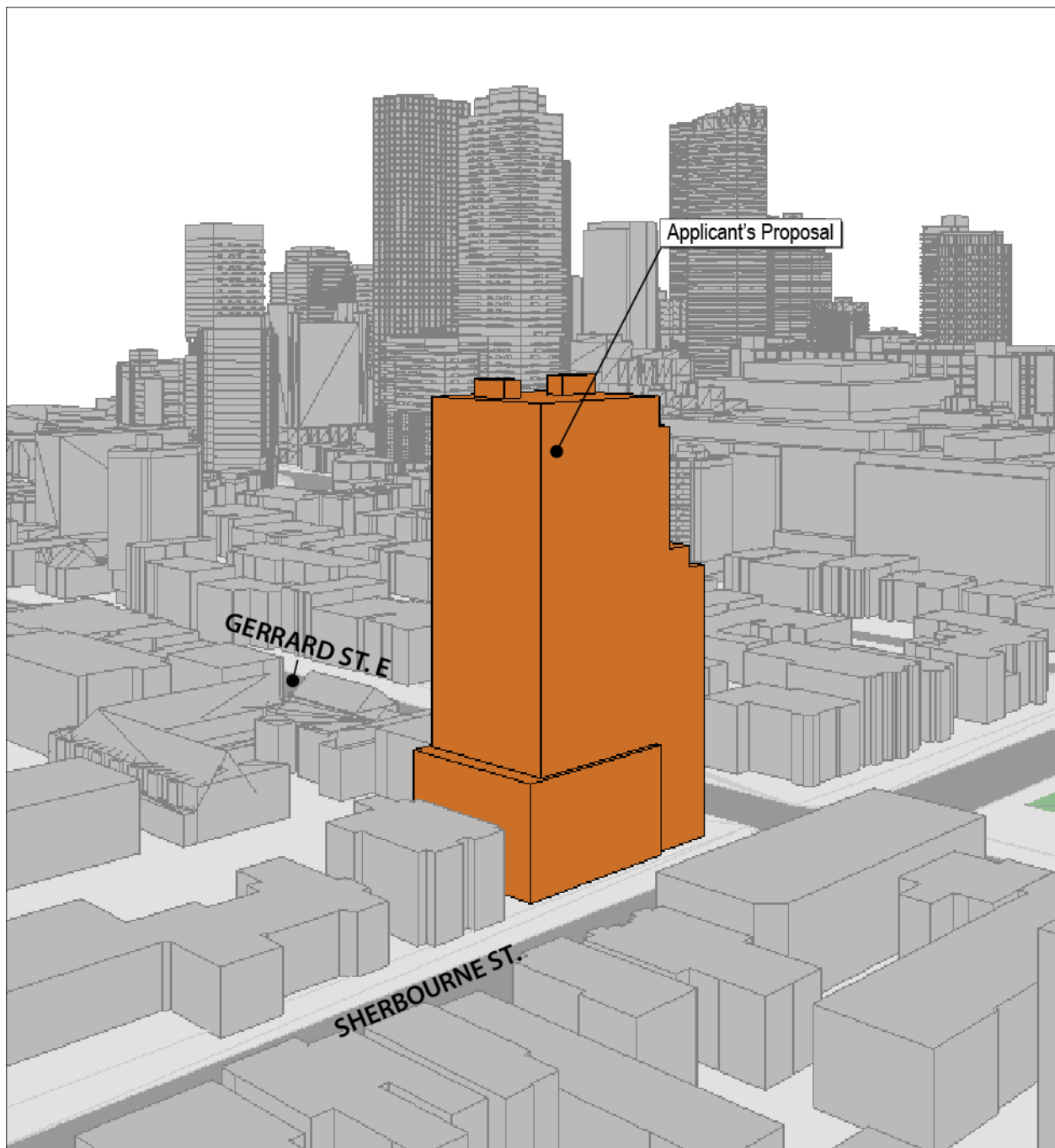
South Elevation



West Elevation

Attachment 9: 3D Massing Model





View of Applicant's Proposal Looking Southwest



10/28/2024