

**64 to 70 Shuter Street - Zoning Amendment - Preliminary Report**

<b>Date:</b>	August 7, 2012
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	12 193153 STE 27 OZ

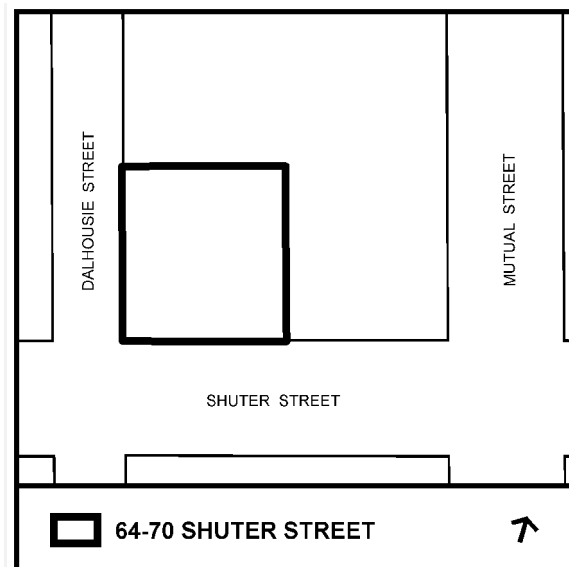
**SUMMARY**

This application proposes to amend the Zoning By-law to permit the development of a 29-storey mixed-use building on the lands at 64 to 70 Shuter Street. The application proposes 227 residential units, one commercial unit at grade, and 84 parking spaces in a below grade parking structure.

The site currently includes four buildings listed on the City of Toronto's Inventory of Heritage Properties. The proposed new building would integrate portions of two of the four existing buildings. The existing buildings contain 12 units of rental housing. The applicant's strategy for replacing these units is currently unclear.

This report provides preliminary information on the above-noted application and seeks Community Council's direction on further processing of the application and on the community consultation process.

Next step is a community consultation meeting, the date of which is yet to be determined. A final report is targeted for first quarter 2013. The target date assumes that the applicant will provide all required information in a timely manner.



## **RECOMMENDATIONS**

---

### **The City Planning Division recommends that:**

1. Staff be directed to schedule a community consultation meeting for the lands at 64-70 Shuter Street together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

At its meeting of December 18 and 19, 1995, Toronto City Council adopted Clause 13 of Report No. 18 of the Land Use Committee, thereby authorizing amendments to the Zoning By-law respecting the erection and use of a mixed-use building on the lands known as Nos. 64, 66, 68 and 70 Shuter Street. The proposed building for which this By-law was enacted has never been built.

### **Pre-Application Consultation**

The applicant has met with staff several times regarding the proposal. They have also changed consulting teams. City Staff and the applicant's current consulting team met for two pre-application meetings on March 22, 2012 and April 12, 2012. Staff indicated at those meetings that, in consideration of the as-of-right development and the significant built form issues arising from that development, that Staff would entertain modest increases in height and density in exchange for a better built form that addressed issues such as shadowing, separation distance, and heritage preservation. Staff stated at those meetings that the heights shown could not be supported.

### **ISSUE BACKGROUND**

#### **Proposal**

The applicant is proposing a 29-storey mixed-use building, including a 3 storey podium. The total Gross Floor Area (GFA) of the proposed development is 15,558 m<sup>2</sup> (15,471 m<sup>2</sup> residential, 87 m<sup>2</sup> retail), which translates into a Floor Space Index (density) of 17.69 on a lot that is 905 m<sup>2</sup>.

The project would maintain a portion of two of the existing two-storey, listed heritage buildings, to a depth of 5 metres. The south façade of the building would be moved southward, and staircases would be internalized. These buildings would be incorporated into the base building to the proposed tower.

The application is proposing a total of 227 residential units (1 bachelor, 174 one-bedroom, 25 two-bedroom and 27 three-bedroom) one commercial unit at grade and 84 parking spaces in a five-level below grade parking structure. The applicant is also proposing to provide 209 bicycle parking spaces (163 resident, 46 visitor). The main residential entry to the building would be located on Shuter Street. Retail entry, as well as a driveway for parking and servicing access is proposed on Dalhousie Street.

The tower portion of the building would be an oval shape oriented diagonally pointing to the north-east and south-west portion of the site. The typical floor plate would be 597 square metres. A total of 452 square metres of indoor amenity space and 305.8 m<sup>2</sup> of outdoor amenity space are proposed. Indoor amenity would be located on the 4th floor with outdoor amenity space located on the roof of the three-storey podium adjacent and accessible to the indoor amenity space.

The proposed podium of the building is designed to extend to the property line on all four sides. Dalhousie Street and Shuter Street provide access to the building on the west and south sides respectively, while a private laneway borders the north side. The east side of the proposed podium would abut the existing building at 76 Shuter Street. This width of the sidewalk would be approximately 3 metres on Shuter Street and 1.5 metres on Dalhousie street, similar to the existing condition.

Above the podium, the main body of the tower (from the 6th to 29th floors) would be set back 5.5 metres from the shared property line to the east, creating a tower separation distance of 8.5 metres. To the north, a portion of the tower extends to the property line, creating a separation distance of 6 metres at the closest point. Floors 4 and 5 have an additional setback of 1.5 metres on all sides.

## **Site and Surrounding Area**

The subject site is located at the northeast corner of Shuter Street and Dalhousie Street. The site is rectangular in shape with a frontage of 29.0 metres along Shuter Street and a depth of 31.1 metres along Dalhousie Street, for a total area of 905 square metres. There are currently five adjoining 3-storey buildings on the site, which contain 12 rental residential units and two office rental units. The buildings at 64, 66, 68 and 70 Shuter Street are listed heritage buildings.

North: To the immediate north of the development site is a 12 storey residential apartment building (75 Dalhousie Street) whose entrances face Dalhousie Street. The side wall of this building faces the subject site. There are windows on each floor across the width of this wall.

This building is the first of three adjoining apartment buildings which includes 81 and 99 Dalhousie street and creates a continuous street wall nearly to Dundas Street. The tallest of these buildings is 81 Dalhousie Street, which has a height of 17 storeys.

Behind these buildings on the same block is Arena Park Gardens, a 0.2 hectare public park with playground.

East: To the immediate east of the development site is a 15 storey residential apartment building (76 Shuter Street) which includes a four storey podium. The building has 124 residential units and a density of approximately 10.1. The western wall of this building has no windows on the podium. Above the podium, balconies are inset on the centre of the wall.

South: To the south of the site, across Shuter Street is a large surface parking lot which takes up the entire block surrounded by Shuter Street to the north, Queen Street East to the south, Dalhousie Street to the west and Mutual Street to the east. Zoning for this site was amended in 2005 to support a mixed-use development proposal resulting in an FSI of 9.0 across the whole block. The proposal includes three 28-storey buildings and a number of 5 – 8 storey buildings.

To the south-west, at 167 Church Street, is the "Jazz" development, a 28 storey mixed-use building with an FSI of 14.26, which was built in 2006.

One block west of this site, the block bounded by Queen Street East, Bond, Shuter and Church Streets includes the Metropolitan United Church and a surface parking lot. Zoning for this site was amended in 2003 to support a 36-storey commercial and residential building and commercial parking garage, with a Floor Space Index of 2.42.

West: To the west of the site, across Dalhousie Street is a surface parking lot. West of this parking lot, across Church Street is the St. Michael's Cathedral. The Cathedral was listed on the City's Inventory of heritage properties in 1973. Council adopted an Intention to Designate on March 5, 2012.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The City of Toronto's Official Plan contains a number of policies that affect the proposed development.

### **Chapter 2 – Shaping the City**

#### **Section 2.2.1 Downtown: The Heart of Toronto**

The proposed development is located in the *Downtown* area as defined by Map 2 of the City of Toronto Official Plan. Section 2.2.1 outlines the policies for development within the *Downtown*. The downtown is where most of the growth in the City of Toronto is expected to occur. The *Downtown* will continue to evolve as the premier employment area of the City of Toronto and provide a range of housing for those working in the area. The City will also explore opportunities to maintain and improve the public realm.

Transportation within the *Downtown* is expected to be accommodated by transit. Priority will be given to transit improvements in the *Downtown* and transit vehicles will be given priority on streets within the *Downtown* particularly those with streetcars. A program of improvements will be implemented to enhance the pedestrian environment and efforts made to improve the safety of walking and cycling *Downtown*.

### **Chapter 3 – Built Form**

#### **Section 3.1.3 Built Form – Tall Buildings**

The applicant is proposing to construct a Tall Building. Policy 3.1.3 states that Tall Buildings come with larger civic responsibilities than buildings of a smaller scale. In addition to speaking about specific built form characteristics, the policy states that proposals for Tall Buildings clearly demonstrate how they relate to the existing and planned context, take into account their relationship with the topography and other tall buildings and how they meet the other objectives of the Official Plan.

#### **Section 3.1.5 Heritage Resources**

The site of the proposed development contains listed heritage properties – 64, 66, 68 and 70 Shuter Street. Policy 3.1.5 of the Official Plan requires that significant heritage resources be conserved by listing, designating and entering into conservation agreements with owners. The Plan also offers incentives for the preservation of heritage resources, allowing additional density to be granted in exchange for the preservation of a heritage resource providing it does not exceed the gross floor area of said heritage resource.

#### **Section 3.2.1 Housing**

The site of the proposed development contains 12 housing rental units. Policies in section 3.2.1 of the Official Plan note that new development that would have the effect of removing six or more rental units should not be approved unless the same number, size and type of rental housing units are replaced and maintained with rents similar to those already in effect. The Official Plan also calls for a Tenant Relocation and Assistance Plan.

### **Section 3.2.3 Parks and Open Spaces**

To the north-east of the proposed development is Arena Gardens Park. Policy 3.2.3 of the Official Plan speaks to maintaining and enhancing Toronto's system of parks and open spaces and states that the effects of development from adjacent properties (shadows, wind, etc.) will be minimized to preserve their utility. It outlines a parkland acquisition strategy, grants authority to levy a parkland dedication or alternative cash-in-lieu and calls for the expansion of the existing network of parks and open spaces.

## **Chapter 4 – Land Use Designations**

### **Section 4.5 Mixed Use Areas**

The site of the proposed development is in an area designated *Mixed Use Areas* in the Official Plan. *Mixed Use Areas* are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings.

Development within *Mixed Use Areas* should provide for new jobs and homes on underutilized lands, while locating and massing new buildings to provide a transition between areas of different development intensity and scale.

Furthermore, development in *Mixed Use Areas* should be located and massed to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

Development in *Mixed Use Areas* should also provide attractive, comfortable and safe pedestrian environments; have access to schools, parks and community centres as well as libraries and childcare. It should also take advantage of nearby transit services; provide good site access and circulation as well as an adequate supply of both visitor and resident parking. In addition, service areas should be located to minimize impacts on adjacent streets, and any new multi-unit residential development should provide indoor and outdoor amenity space for residents.

Compliance with other relevant policies of the Official Plan including the environment and transportation will also be addressed.

### **Zoning**

The property is zoned CR T5.0 C0.5 R5.0 in the City of Toronto By-law 438-86. This zoning permits a wide variety of residential, retail and commercial uses, with the exception of automobile related uses.

By-law no. 1996-0064 applies to the property and permits a building with the following characteristics:

- Residential GFA of 5385 m<sup>2</sup>.
- Combined residential GFA and non-residential GFA 5470 m<sup>2</sup>.
- A detailed zoning envelope with heights ranging from 13 metres to 39.5 metres (10 storeys).

- 90 dwelling units.
- 64 parking spaces (59 for residents, 5 visitor).

### **Site Plan Control**

The proposed development will be subject to site plan control. A site plan control application has not been submitted to date.

### **Downtown Tall Buildings Vision and Performance Standards Design Guidelines**

In July of 2012, Toronto City Council adopted the Downtown Tall Buildings Vision and Performance Standards Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development proposals falling within the Guideline boundaries. The Guidelines identify where tall buildings belong Downtown and establish a framework to regulate their height, form and relationship to their surroundings. They focus on enhancing the pedestrian environment; minimizing shadowing of sidewalks, parks and public squares; protecting landmark views and heritage resources and improving the quality of life (access to natural light, sky views and privacy) for people living and working Downtown. The Guidelines include a vision statement for downtown tall buildings; maps which identify "High Street" and "Secondary High Street" locations, recommended heights and building typologies for these streets; and twenty-three Performance Standards relating to the base conditions or tower portions of tall buildings or to their contextual fit within the Guideline area.

Guideline details are available at: <http://www.toronto.ca/planning/tallbuildingstudy.htm>.

The subject property is located on Shuter Street, between Church Street and Jarvis Street and is located within the Downtown Tall Buildings Vision and Performance Standards Design Guideline boundaries. The Guidelines will therefore be used to evaluate this proposal.

Shuter Street is identified as a Secondary High Street on Map 1, is identified as Tower-Podium Form on Map 3 and is not identified as a Retail Street on Map 4. Specific height limits have not been established for Secondary High Streets on Map 2. Instead, it should be assumed that Secondary High Streets height ranges will generally be one-third lower than the High Streets they run parallel to. If a Secondary High Street runs between two High Streets, the lower of the High Street heights will apply in determining the Secondary High Street height. In this area, Shuter street runs parallel to both Dundas Street, which is listed as 20 - 35 storeys and Queen Street, which is listed as 15 – 25 storeys. At two-thirds the height of the lower street, the height limit for Shuter Street would be a range of 10 – 17 storeys.

### **Heritage**

The buildings 64, 66, 68 and 70 Shuter Street were listed on the City of Toronto's Inventory of Heritage Properties on May 28, 1990.

This development application incorporates the restored heritage facades and front roofs of the buildings currently addressed as 68 and 70 Shuter Street into the podium of the proposed development. The building at 64-66 Shuter Street is not proposed to be retained in the current development scheme.

In close proximity to the site is the St. Michael's Cathedral. The Cathedral was listed on the City's Inventory of heritage properties in 1973. Council adopted an Intention to Designate on March 5, 2012.

The Official Plan states that heritage resources on properties listed on the City's Inventory of Heritage Properties will be conserved. A Heritage Impact Assessment has been submitted, as the development entails an amendment to the Zoning By-law. Staff will review the Heritage Impact Assessment that has been submitted as part of the application, and evaluate it against the relevant Official Plan policies.

### **Tree Preservation**

The tree inventory identified nine trees, all on private property. Six of these are on the adjacent site on the north side of the property and are to be protected and preserved. There are three trees located within the site which are proposed to be removed as they would interfere with the proposed development. Two of these trees are over 30cm DBH and fall within the protection of the private tree by-law. City of Toronto Urban Forestry Staff will review the applicant's arborist report.

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

There are currently 12 units of rental housing located on this site. This application does not propose to replace these units on-site. The applicant has submitted a Housing Issues Report, however, staff have determined that this document is inadequate and have requested that the applicant submit a revised report.

The Rental Housing Demolition and Conversion By-law (885-2007), contained in Chapter 667 of the City's Municipal Code, is one of the tools which implements the City's Official Plan policies protecting rental housing. The By-law prohibits demolition or conversion of rental housing units without obtaining a permit from the City issued under Section 111 of the City of Toronto Act, 2006.

Proposals involving the loss of six or more residential units, where one or more of the units are rental, require the submission of a Section 111 application. Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued under the Building Code Act. Any conditions, such as rental replacement and tenant relocation assistance will be secured in one or more legal agreements.

Usually, where a related application such as an Official Plan amendment or rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council decides on both applications at the same time. Unlike Planning Act applications, decisions made by the City under By-law 885-2007 are not appealable to the OMB.



## **Reasons for the Application**

The application has been made because the current Zoning By-law includes a detailed building envelope which does not permit the height and densities or building design being requested by the owner. The applicant has proposed a building with a maximum height of 29 storeys and an FSI of 17.69. Current zoning would permit a building of 10 storeys and an FSI of 5.90, in addition to the height and density, the applicant would also require relief from the amenity space and parking provisions of the as-of-right zoning.

## **COMMENTS**

### **Application Submission**

The following reports/studies were submitted with the application:

- Archaeological Assessment – Stage 1 and Stage 2
- Arborist Report and Tree Preservation Plan
- Building Mass Model
- Community Services and Facilities Report
- Functional Servicing Report
- Heritage Impact Assessment
- Housing Issues Report
- Pedestrian Level Wind Preliminary Assessment
- Planning Rationale
- Shadow Study
- Toronto Green Standard Checklist
- Traffic Impact and Parking Study

Staff are currently reviewing the application for completeness but have determined that the Housing Issues Report is not acceptable. A notice of incomplete application was issued on July 20, 2012.

### **Issues to be Resolved**

The preliminary issues identified below with the proposal and in particular the proposed building heights, density and position of the building are significant.

The proposed building has a number of built form issues and would not normally be entertained by Planning Staff. However, the applicant has permission for an as-of-right building that City Staff also consider to be problematic and which would have a negative impact on the quality of life of the residents of the building to the east if built. For these reasons, City Planning Staff are seeking to improve upon the as-of-right building envelope. There are still a number of issues to be resolved. These issues include:

1. Consistency with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.

2. Conformity with Official Plan policies, particularly with respect to public realm, heritage, built form and built form for tall buildings.
3. Concern that the project currently constitutes overdevelopment of the site, as the towers does not meet current guidelines for separation distance, setbacks and stepbacks.
4. Conformity with *Design Criteria for Review of Tall Building Proposals* and the *Downtown Tall Buildings Vision and Performance Standards Design Guidelines*. Built form concerns including: height and density of the proposal, separation distance from surrounding buildings, shadow impacts on surrounding properties, open space and massing issues including, but not limited to: setbacks, stepbacks, views, sky view, light penetration, privacy, wind mitigation and pedestrian realm weather protection;
5. Adequacy of the proposed development's indoor and outdoor amenity space.
6. Adequacy of surrounding schools and facilities to accommodate the development.
7. Conformity with the City's Rental Housing Replacement requirements and Section 111 of the City of Toronto Act.
8. Shadow impacts on neighbouring buildings and open space, including the St. Michael's Cathedral to the west and Arena Gardens Park to the north-east.
9. Mix of unit sizes, including the provision of family-sized units;
10. Sustainability approach including compliance with the TGS.
12. The provision of continuous weather protection along the podium.
14. Identification and securing of public benefits pursuant to Section 37 of the Planning Act should the proposal be recommended for approval.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

## **CONTACT**

Giulio Cescato, Planner

Tel. No. 416-392-0459

Fax No. 416-392-1330

E-mail: gcescat@toronto.ca

## **SIGNATURE**

---

Raymond David, Director  
Community Planning, Toronto and East York District

(p:\2011\Cluster B\pln\teycc20190858034) - vc

## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: North Elevation

Attachment 3: East Elevation

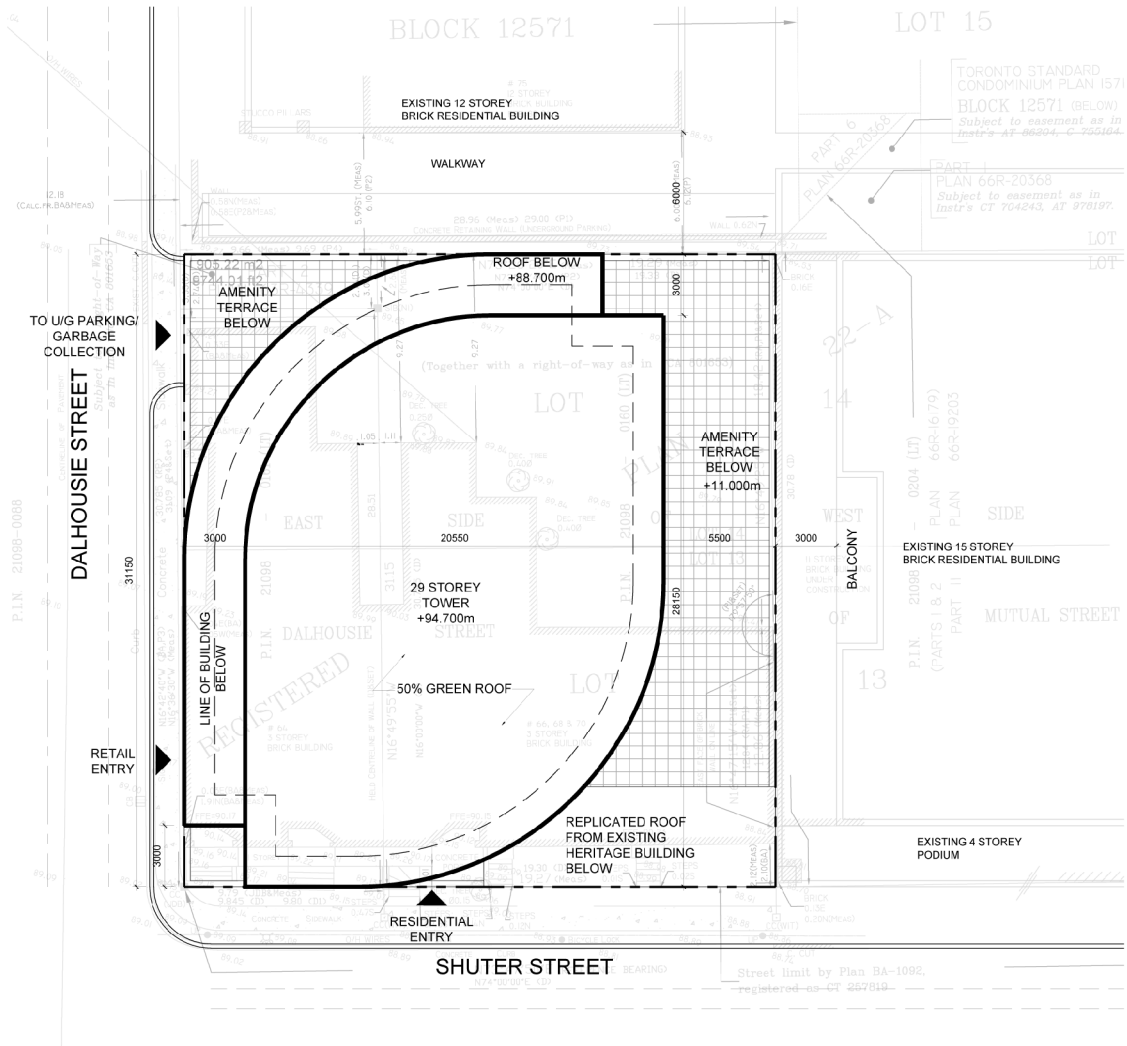
Attachment 4: South Elevation

Attachment 5: West Elevation

Attachment 6: Zoning

Attachment 7: Application Data Sheet

# Attachment 1: Site Plan



## Site Plan

Applicant's Submitted Drawing

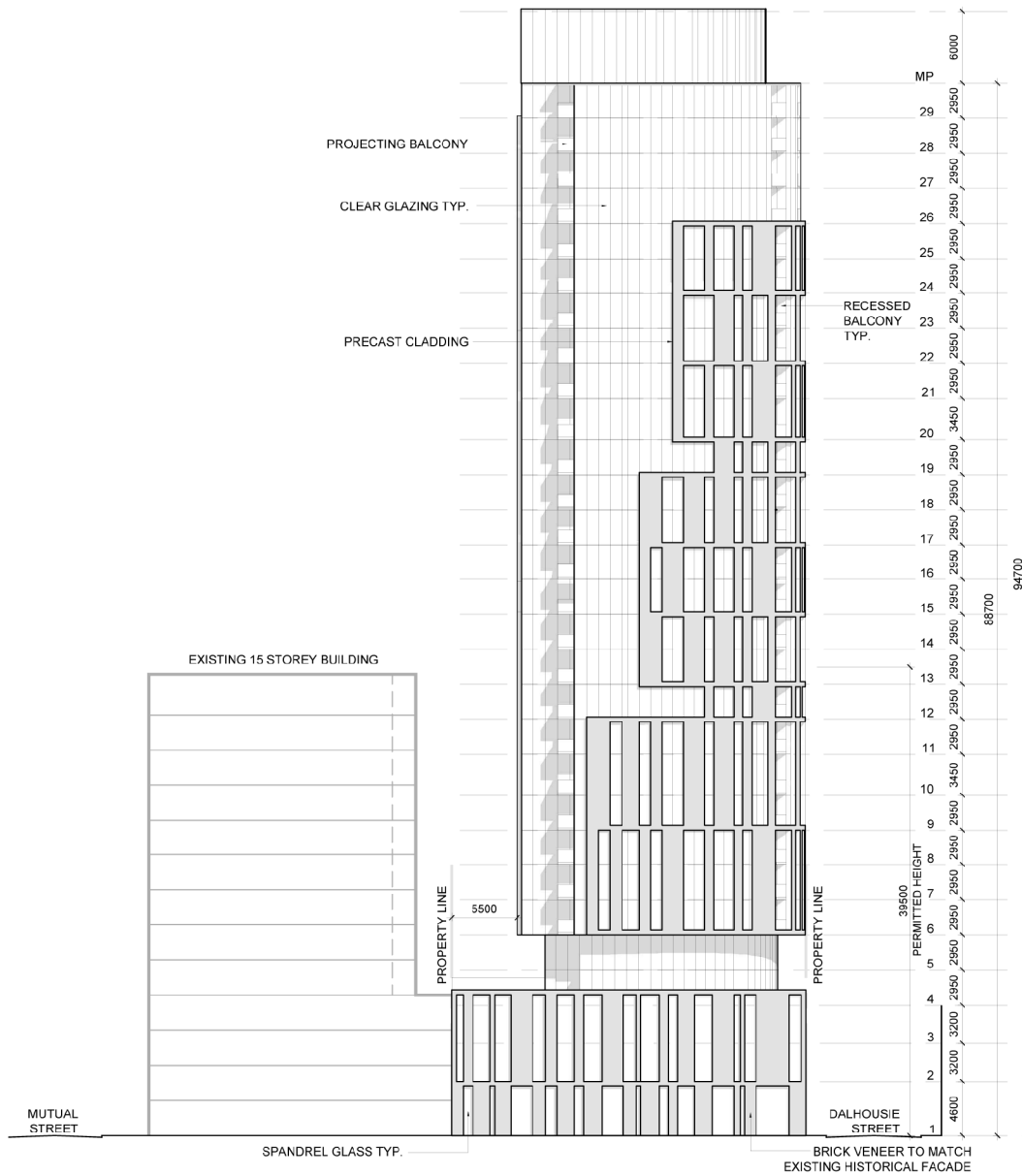
Not to Scale 

07/31/2012

## 64-70 Shuter Street

File # 12 193153 0Z

## Attachment 2: North Elevation



### Elevations

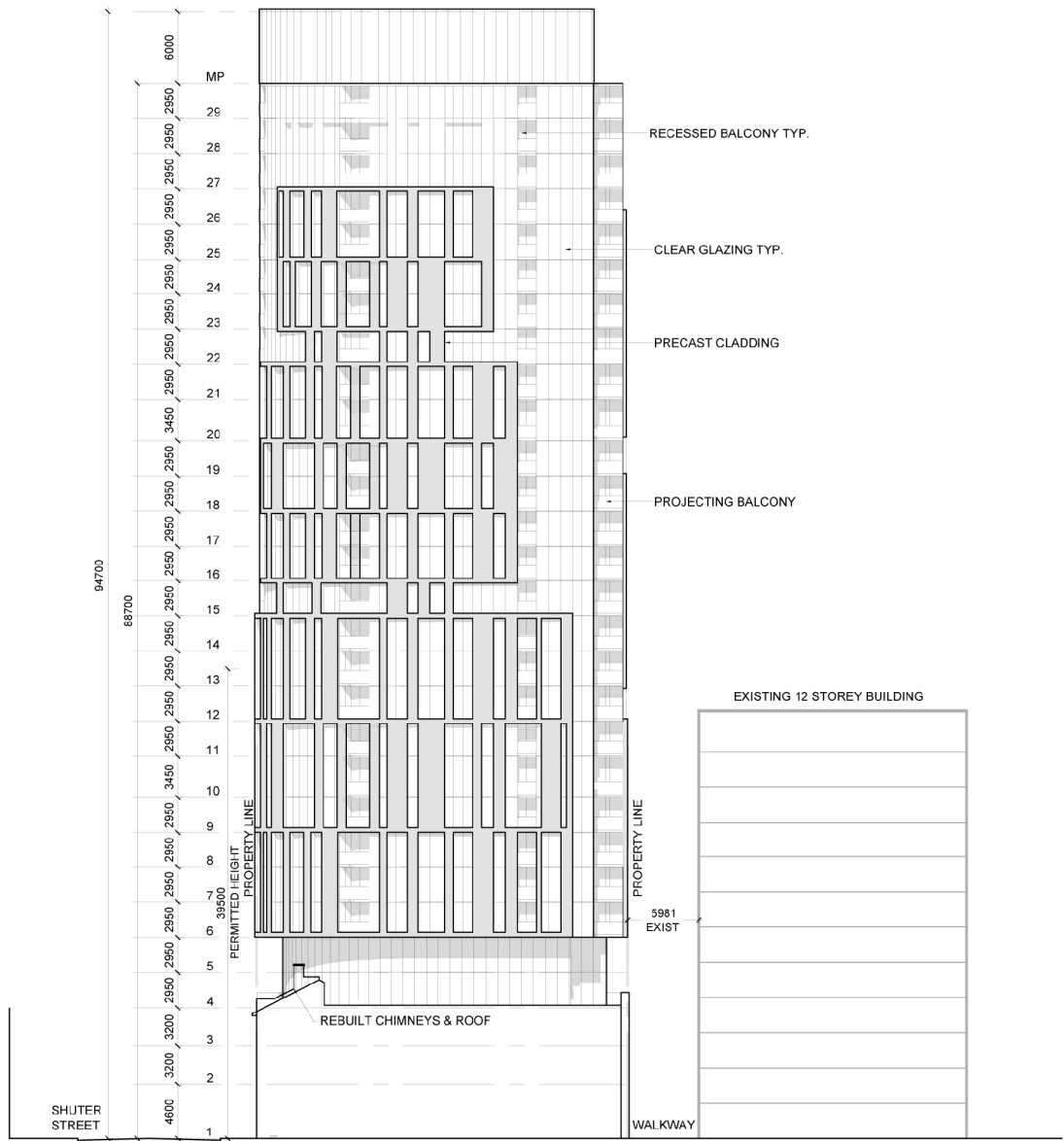
Applicant's Submitted Drawing

Not to Scale  
07/31/2012

### 64-70 Shuter Street

File # 12 193153 0Z

### Attachment 3: East Elevation



East Elevation

## Elevations

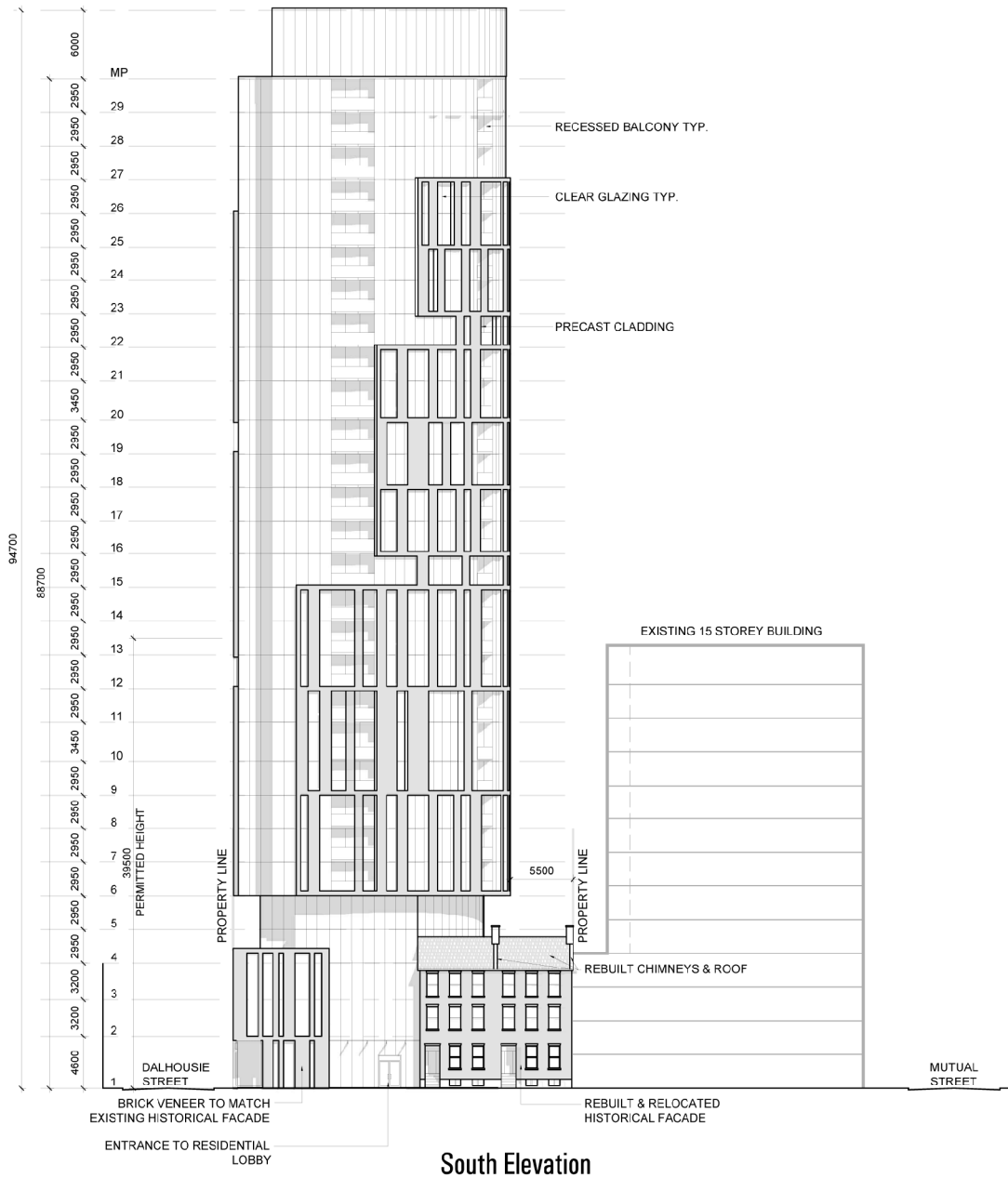
Applicant's Submitted Drawing

Not to Scale  
07/31/2012

## 64-70 Shuter Street

File # 12 193153 0Z

## Attachment 4: South Elevation



### Elevations

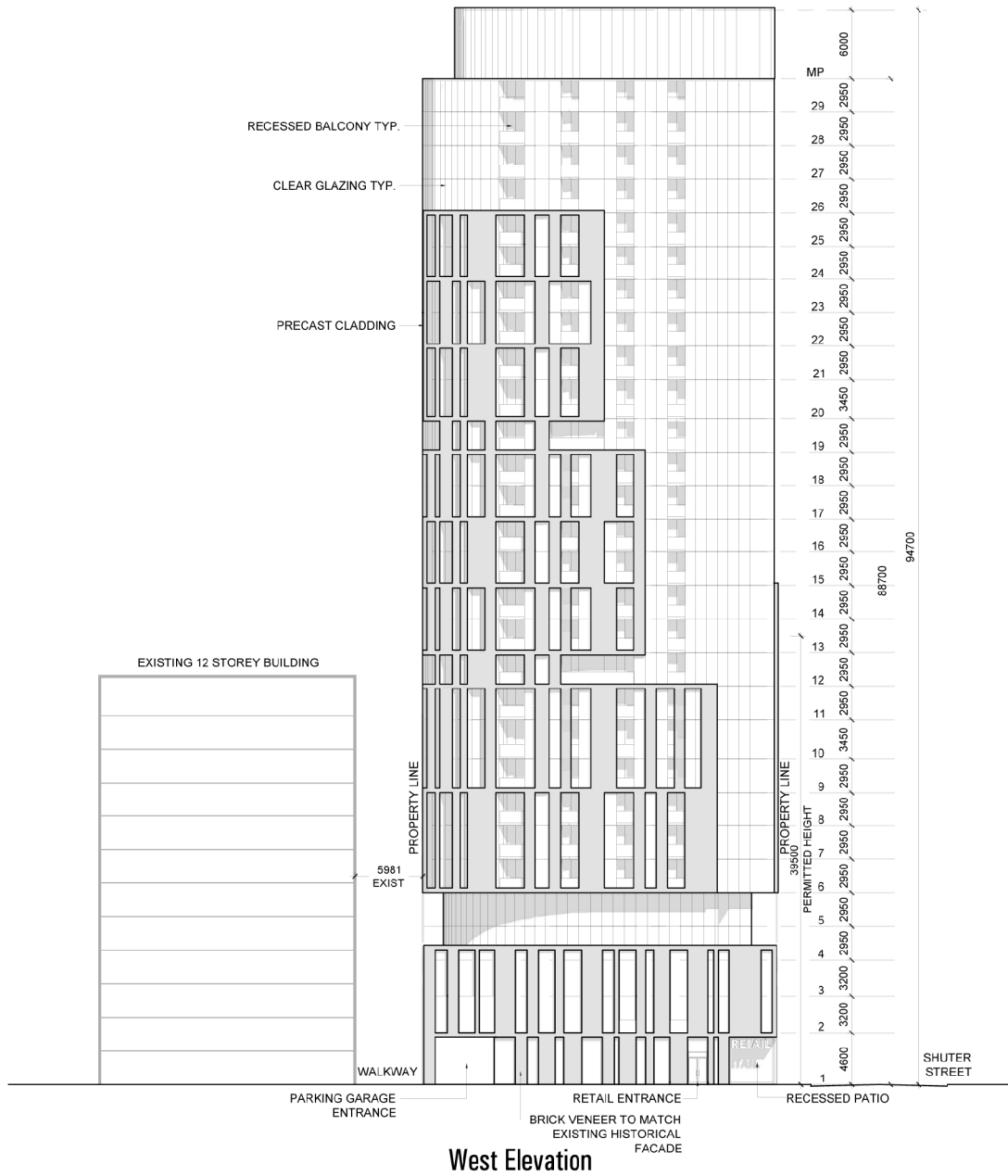
Applicant's Submitted Drawing

Not to Scale  
07/31/2012

### 64-70 Shuter Street

File # 12 193153 0Z

## Attachment 5: West Elevation



### Elevations

Applicant's Submitted Drawing

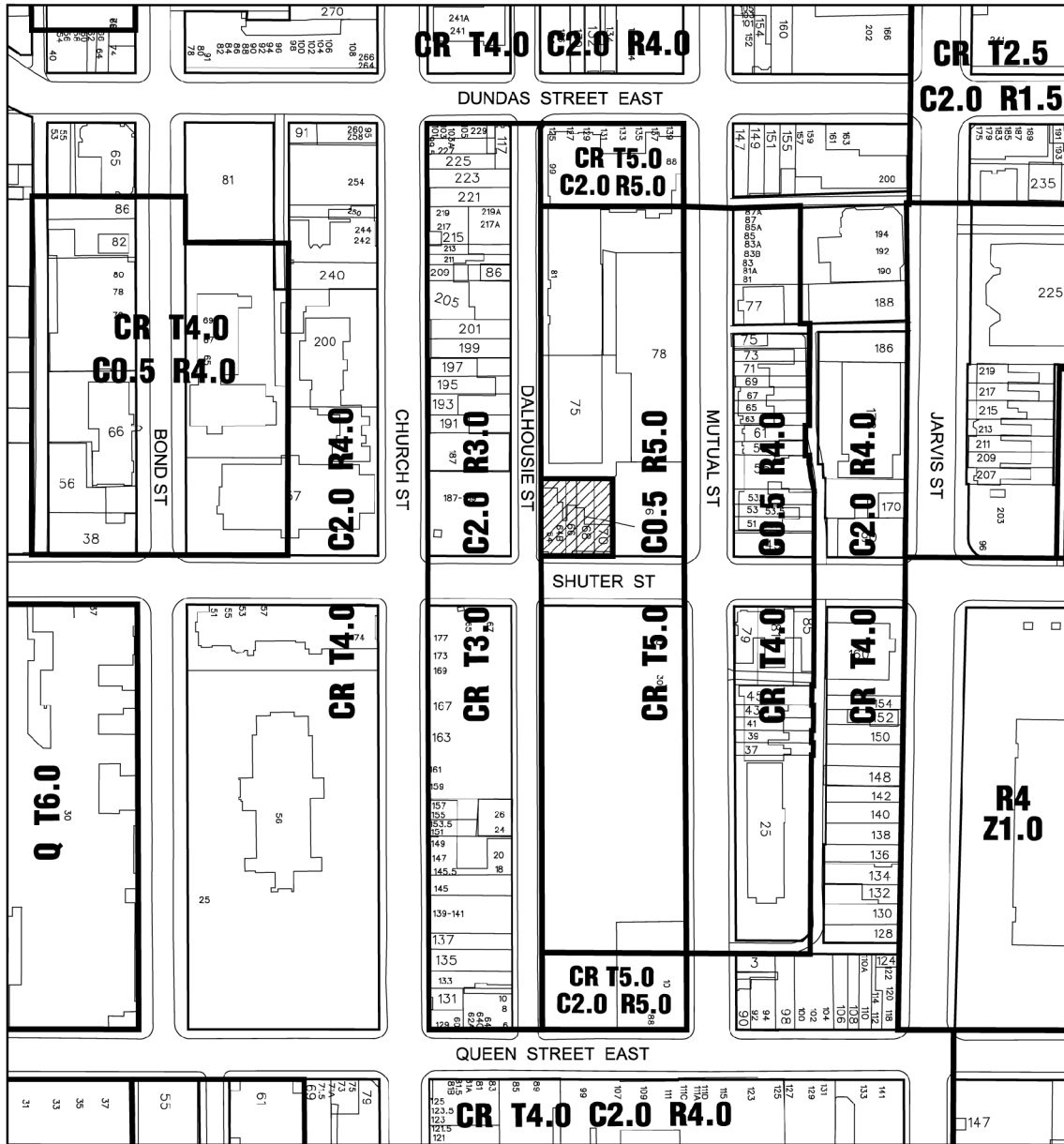
Not to Scale  
07/31/2012

### 64-70 Shuter Street

File # 12 193153 0Z



# Attachment 6: Zoning



**TORONTO** City Planning  
Zoning

## 64-70 Shuter Street

File # 12 193153 0Z

- R4 Residential District
- CR Mixed-Use District
- Q Mixed-Use District



Not to Scale  
Zoning By-law 438-86 (as amended)  
Extracted 07/31/2012

## Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	12 193153 STE 27 OZ
Details	Rezoning, Standard	Application Date:	June 14, 2012
Municipal Address:	64 to 70 SHUTER STREET		
Location Description:	PLAN 22A PT LOTS 13 & 14 **GRID S2714		
Project Description:	Redevelopment of the properties known municipally as 64 to 70 Shuter Street for the purpose of constructing a new mixed use building. The building is proposed at 29 stories (inclusive of a three storey podium) with 227 dwelling units and ground floor retail. A total of 84 parking spaces for residents are proposed to be provided in 5 levels of underground parking.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Fraser Milner Casgrain, LLP 77 King Street West, Ste 400 Toronto-Dominion Centre Toronto, ON, M5K 0A1	Bousfields, Inc. 300 Church St., Ste 300 Toronto, ON M5E 1M2	Page + Steel 95 St. Clair Ave. W, Ste. 200 Toronto, ON M4V 1N6	Queensgate Developments Inc. 3800 Steeles Avenue West Woodbridge, ON L4L 4G9

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	CR T3.0 C2.0 R3.0	Historical Status:	Y
Height Limit (m):	39.5	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	905	Height: Storeys:	29
Frontage (m):	29	Metres:	94.7
Depth (m):	31.1		
Total Ground Floor Area (sq. m):	396		<b>Total</b>
Total Residential GFA (sq. m):	15471	Parking Spaces:	84
Total Non-Residential GFA (sq. m):	87	Loading Docks	1
Total GFA (sq. m):	15558		
Lot Coverage Ratio (%):	44		
Floor Space Index:	17.2		

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	1 (~1%)
1 Bedroom:	174 (77%)
2 Bedroom:	25 (11%)
3 + Bedroom:	27 (11%)
Total Units:	227

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	15471	15471	0
Retail GFA (sq. m):	87	87	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Giulio Cescato, Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 392-0459</b>
	<b>EMAIL:</b>	<a href="mailto:gcescat@toronto.ca">gcescat@toronto.ca</a>