

79-85 Shuter Street - Zoning Amendment Application - Preliminary Report

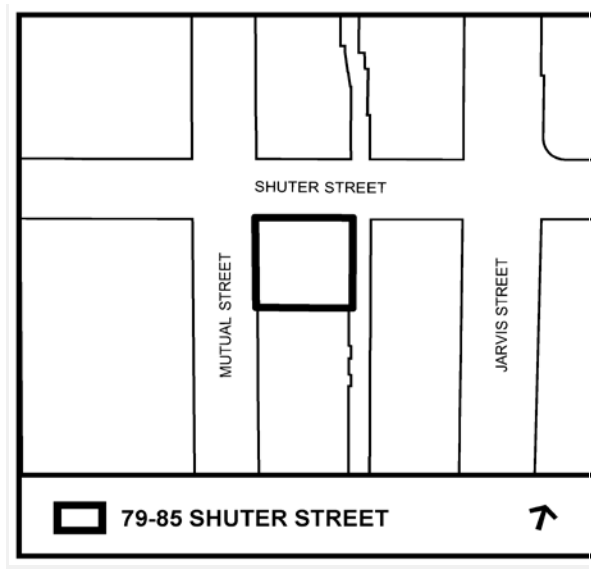
Date:	August 28, 2016
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	16 199836 STE 27 OZ

SUMMARY

This application proposes to redevelop the site at 79-85 Shuter Street with a 32-storey residential tower which would contain 251 dwelling units with a total gross floor area of 17,007 m². The proposed building would have a height of 100 metres including the mechanical penthouse. The proposal also includes three levels of underground parking which would be used for vehicles and bicycles.

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

It is anticipated that a Community Consultation meeting will be held in the fourth quarter of 2016. Staff anticipate submitting a final report on the application to Community Council in the third quarter of 2017. This 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 79-85 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 of the Planning Act.

Pre-Application Consultation

The applicant did not hold a pre-application consultation with staff to discuss complete application submission requirements.

ISSUE BACKGROUND

Proposal

The applicant is proposing a 32-storey (94.3 m excluding mechanical penthouse or 100.03 m including mechanical penthouse) residential tower. The project is proposed to contain 251 dwelling units. The development would be in a tower with podium form. The podium would incorporate and preserve portions of an existing 3-storey building presently located at the north-west corner of the site. The podium would be 6-storeys with a stepback at the 3rd level. The tower would have a further stepback at the 11th level. Projecting balconies are proposed along each face of the tower. The proposed gross floor area would be 17,007 m² which equates to a Floor Space Index of 16.59 under Zoning By-law 569-2013.

The primary entrance for the building would be from Shuter Street. The ground floor would include a residential lobby for the tower, townhouse styled units fronting Shuter, an area for loading and garbage as well as one autoshare parking space. Residential uses as well as some of the bicycle parking would be located on the second floor. Amenity space would be located on floors 3, 5, 6, and 7. Vehicular and bicycle parking would be located below grade.

Other details of the proposal are shown in Table 1 below and in Attachment 4:

Table 1 – Summary of Application

Category	Proposed
Tower setbacks (Floor 11-32)	
- West property line (Mutual)	6.02 m
- East property line (laneway)	1.5 m
- North property line (Shuter)	4.47 m
- South property line	5.62 m
Base (podium) setback at grade	
- existing building north-west corner	0.0 m (Mutual); 0.9 m (Shuter)
- new podium fronting Shuter	1.4 m
- new podium fronting Mutual	1.8 m
- south side	0.0 m
- east side (existing property line)	0.7 m
Sidewalk/pedestrian realm width	
- existing building north-west corner	2.6 m (Mutual); 4.5 m (Shuter)
- new podium fronting Shuter	4.5 m
- new podium fronting Mutual	4.7 m
Tower floorplate (approximate)	
- Floors 8-10	647 m ²
- Floors 11-32	527 m ²
Ground floor height (approximate)	3.5 m
Vehicular parking	
- Resident	37
- Visitor	10
- Auto-share	1
Bicycle parking	
- Long term	226
- Short term	26
Loading spaces	
- Type G	1
Amenity space	
- Indoor	502 m ²
- Outdoor	115 m ²

Site and Surrounding Area

The site is a square corner lot with 32.26 m of frontage on Shuter Street and 31.87 m frontage on Mutual Street. The lot area is 1,028 m². There are three existing 2-3-storey predominantly residential buildings on site.

The surrounding uses are as follows:

North: on the opposite side of Shuter Street, a 4 and 10-storey residential building.

South: 3 to 11-storey predominantly residential buildings, the adjacent building to the south is a 5-storey structure.

West: commercial parking lot which is subject to a development application for 4 separate towers and a public park.

East: a public laneway and to the east of that a Salvation Army/Community Church facility with building heights ranging from 2 to 7-stories.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, to be consistent with the PPS.

Key PPS policies include Policy 4.7 which states that the Official Plan is the most important vehicle for implementation of the PPS. Policy 1.1.3.4 refers to appropriate development standards to facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. Policy 1.1.1 c) refers to avoiding development which may cause public health and safety concerns. Policy 1.1.1 g) refers to ensuring that Public Service Facilities are or would be available to meet current and projected needs and Policy 1.1.3.6 refers to development that allows for the efficient use of Public Service Facilities to meet current and projected needs.

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, as the case may be, 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.

Official Plan

The Official Plan places the site within the Downtown and Central Waterfront urban structure area. The site is designated "*Mixed Use Areas*" on Map 18 – Land Use Plan in the Official Plan. This designation permits a range of residential, commercial and institutional uses. The Plan includes criteria that direct the form and quality of development in this land use designation. The criteria state that new buildings: provide a transition between areas of different intensity and scale, including a stepping down of

heights towards lower scale neighbourhoods; minimize shadow impacts; and provide an attractive, safe and comfortable pedestrian environment.

This application will be reviewed against the policies in the Official Plan including those in the “Downtown”, “Public Realm”, and “Built Form” sections of the Plan. Compliance with other relevant policies of the Official Plan including environment and transportation will also need to be addressed. Other key policies that are applicable to this development include: Policy 3.1.3 which refers to Tall Buildings; Policy 3.2.1.1 which refers to a full range of housing, including shared living arrangements, will be provided and maintained; Policy 4.8.4 which states that buildings will be sited and massed to protect hospital helicopter flight paths; Policy 3.1.5.2 which refers to properties of potential cultural heritage value or interest will be identified and evaluated; and Policy 3.1.5.3 which states that those heritage properties will be protected by being designated.

Zoning

The site is subject to City-wide Zoning By-laws 438-86 and 569-2013. The site is zoned CR T4.0 c0.5 R4.0 under By-law 438-86 and under By-law 569-2013 the site is zoned CR 4.0 (c0.5; r4.0) SS1 (x2449). Both By-laws permit a variety of commercial and residential uses with a maximum density of 4.0 and a maximum building height of 30 metres.

By-law 438-86 also includes a number of Permissive and Restrictive Exceptions and references prevailing By-laws 333-02 and 128-03. Key provisions include: restrictions on parking facilities and commercial garages as well as limits to provided office space. These provisions were generally carried through into By-law 569-2013.

Minister's Zoning Order

On May 3, 2016, the Minister of Municipal Affairs and Housing issued a Zoning Order – Protection of Public Health and Safety – Toronto Hospital Heliports. The purpose of this Order is to protect health and safety by ensuring the safe operation of air ambulance services provided in relation to St. Michael's Hospital and The Hospital for Sick Children. The Zoning Order identifies an obstacle limitation surface which structures or naturally growing objects shall not penetrate.

The Zoning Order reflects the most recent St. Michael's Hospital helicopter flight path. As previously cited, the Official Plan requires that all new buildings be sited and massed to protect helicopter flight paths. The Provincial Policy Statement also has a number of policies to protect against development which may negatively impact public health and safety as well as the efficient use of public service facilities. The provincial interests relate to the health care system in Ontario and the role of hospitals and emergency air ambulance services, including the hospital flight path for St. Michael's Hospital. In order to comply with the helicopter flight path and the related Official Plan policy, the proposed tower including all temporary and permanent structures such as parapets, antenna, light fixtures and crane activities would have to be below the protected flight path.

Site Plan Control

The subject site and proposed development are subject to Site Plan Control. An application has not yet been submitted.

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate new and current Downtown tall building proposals. The Downtown Vision Height Map shows Shuter and Mutual Streets as Secondary High Streets with anticipated maximum heights one-third lower than the height of the nearest High Street. This would equate to a maximum height for this site at 31m to 51m (10 to 17 stories) subject to consistency with the other guidelines. The Downtown Tall Buildings Guidelines are available at <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>

TOcore

On December 9, 2015, City Council adopted a staff report entitled 'TOcore: Planning Toronto's Downtown – Phase 1 – Summary Report and Phase 2 Directions'. The report outlined the deliverables of TOcore which will be a renewed planning framework through a Downtown Secondary Plan and a series of infrastructure strategies. The work for TOcore began on May 13, 2014 when Toronto and East York Community Council adopted a staff report regarding 'TOcore: Planning Toronto's Downtown', along with a related background document entitled 'Trends and Issues in the Intensification of Downtown'.

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary physical and social infrastructure to remain a great place to live, work, learn, play and invest. TOcore is in its second phase, which involves drafting policies, plans and strategies. Reports to Toronto and East York Community Council are targeted by the end 2016 on the results of the second phase and the next steps of implementation.

As a component of TOcore's second phase, a Final Report for the City-initiated Official Plan and Zoning By-law amendments to update setback requirements for tall buildings in the *Downtown* is currently before Toronto and East York Community Council. The Official Plan and Zoning By-law amendments seeks to reinforce minimum tall building setback and separation distance requirements to ensure that future growth positively contributes to the liveability, sustainability and health of *Downtown*.

The TOcore website is www.toronto.ca/tocore.

Reasons for the Application

The proposal requires an amendment to the Zoning By-law for an increase in density and height. Additional areas of non-compliance may be identified through the circulation and review process.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning Rationale Report
- Rental Housing Demolition and Conversion Declaration
- Community Services and Facilities Study
- Functional Servicing Report
- Stormwater Management Report
- Transportation Impact Study and Parking Review
- Pedestrian Wind Assessment
- Shadow Studies
- Environmental Noise and Vibration Assessment
- Heritage Impact Assessment
- Preliminary Geo-Environmental Assessment
- Draft Zoning By-law Amendments (438-86 and 569-2013)
- Toronto Green Standard Checklist
- Arborist Report and Tree Survey Plan
- Building Mass Model
- Hospital Heliport Routes analysis
- Air Emissions Evaluation

A Notification of Complete Application was issued which identified the complete application submission date as August 3, 2016.

Issues to be Resolved

The proposed development relies on the applicants assertion that adjacent properties (to the south and east) are not potential Tall Building sites and therefore tower separation distances have been reduced. This assumption needs to be examined and addressed in order to ensure that the proposed development does not compromise light and privacy issues and/or diminish the development rights of adjacent sites. While other tall buildings have been built in the

vicinity of the site, the subject site is very small and may not be appropriate as a tall building site. The following issues have been identified for review through the application review process:

- Consistency with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe particularly as it relates to providing managing and directing land use to achieve efficient and resilient development and land use patterns;
- Conformity with Official Plan policies particularly with respect to built form, setbacks and shadowing of nearby *Neighbourhoods, Parks and Other Open Space Areas* as well as protection and identification of heritage resources;
- Conformity with draft Official Plan Amendment 352 which among other things provides additional policy related to tower separation distances and clarification that not all sites have the potential to be re-developed as tower sites;
- Conformity with the Tall Buildings Design Guidelines and the Downtown Tall Buildings: Vision and Supplementary Design Guidelines, including sections on transition in scale, tower separation distances, step backs and setbacks and shadowing;
- Confirmation that the adjacent properties to the east (subject to Official Plan Amendment 82 which would designate them as a non-tall building site) and south are not potential tall buildings sites;
- Confirmation that building heights do not interfere with the St. Mikes Hospital helicopter flight paths and that they conform to the Minister's Zoning Order, PPS, and Official Plan policy 4.8.4;
- Confirmation of the number of existing rental housing units and an appropriate response to the impact on the existing rooming house;
- Potential shadowing of Arena Gardens and Moss Park and the *Neighbourhoods* designated lands on the north side of Shuter east of Jarvis;
- Confirmation that the existing buildings should not be designated heritage and, if they are to be designated heritage that any impacts on those buildings are appropriately addressed;
- Confirmation that the existing encroachments in the right-of-way and required lane widening are appropriately addressed;
- Confirmation there is sufficient sewer and water capacity to service the proposed development;

- Adequacy of community services and facilities in the area and whether there is a need for on-site services and facilities;
- Appropriateness of not providing the required number of vehicular parking spaces;
- Adequacy of the proposed amenity space and more specifically, the reduced provision of outdoor space and the desirability to consolidate the indoor space in one location;
- Appropriate number of affordable housing and three bedroom units;
- Appropriate ways to address the Public Art Plan; and
- Identification and securing of public benefits pursuant to Section 37 of the *Planning Act* should the proposal in some form be recommended for approval.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

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

CONTACT

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SIGNATURE

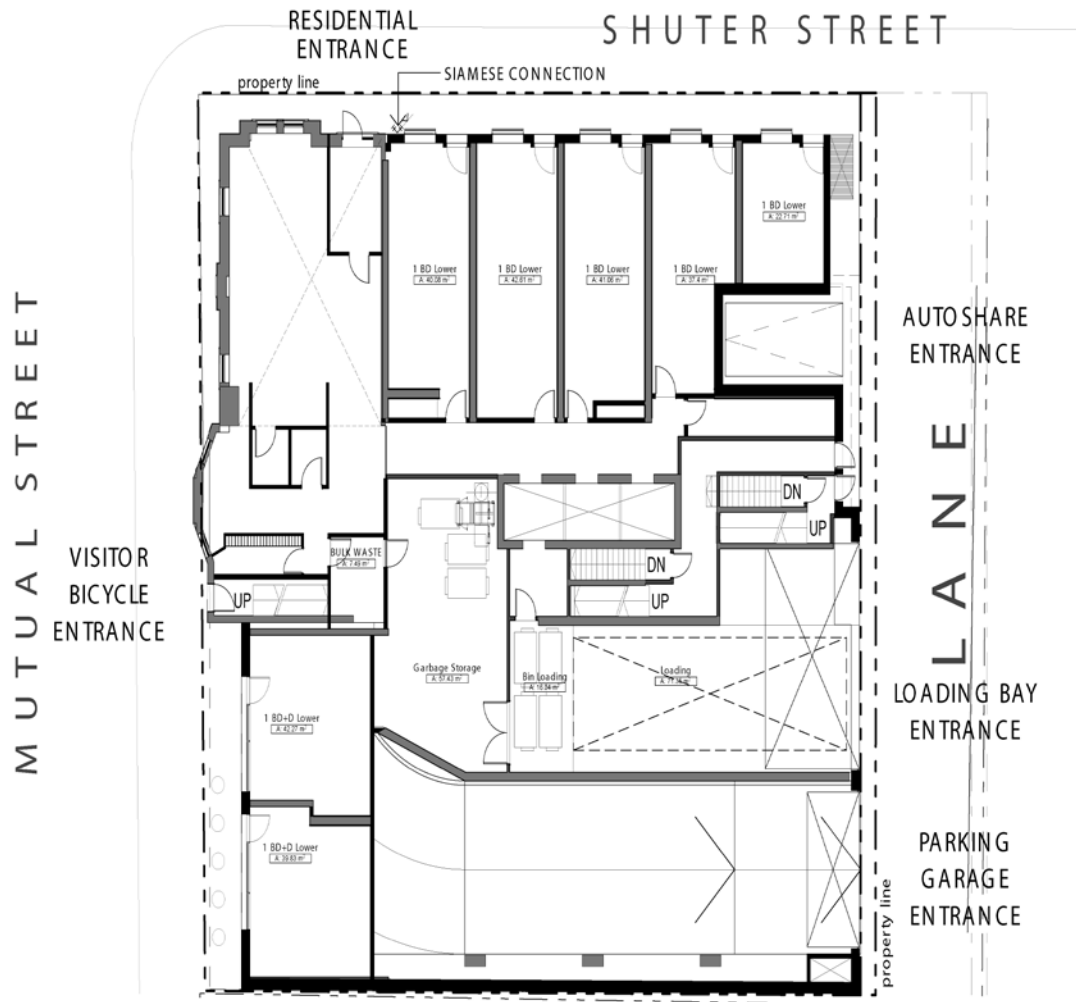
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Application Data Sheet

Attachment 1: Site Plan



Site Plan

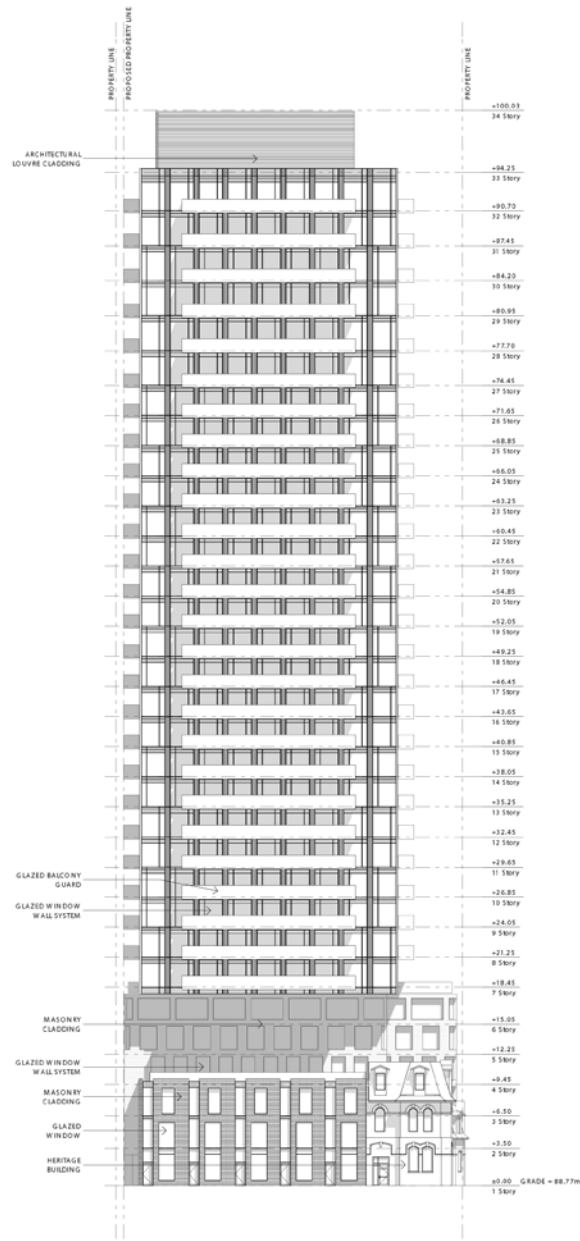
79-85 Shuter Street

Applicant's Submitted Drawing

Not to Scale
08/05/2016

File # 16 199836 STE 27 0Z

Attachment 2: Elevations



North Elevation

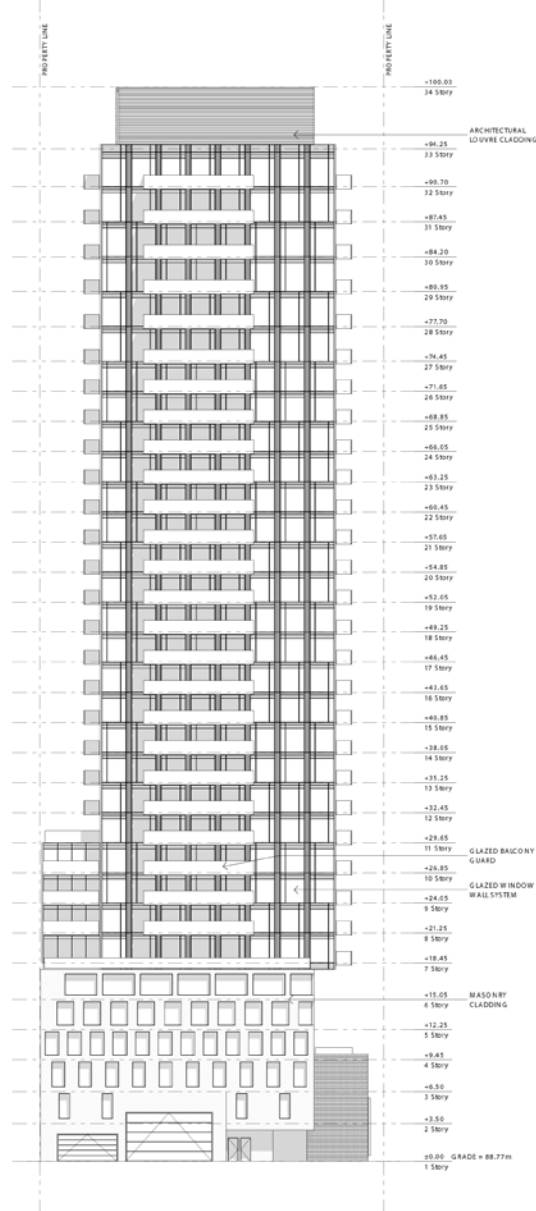
Elevations

Applicant's Submitted Drawing

Not to Scale
08/05/2016

79-85 Shuter Street

File # 16 199836 STE 27 0Z



East Elevation

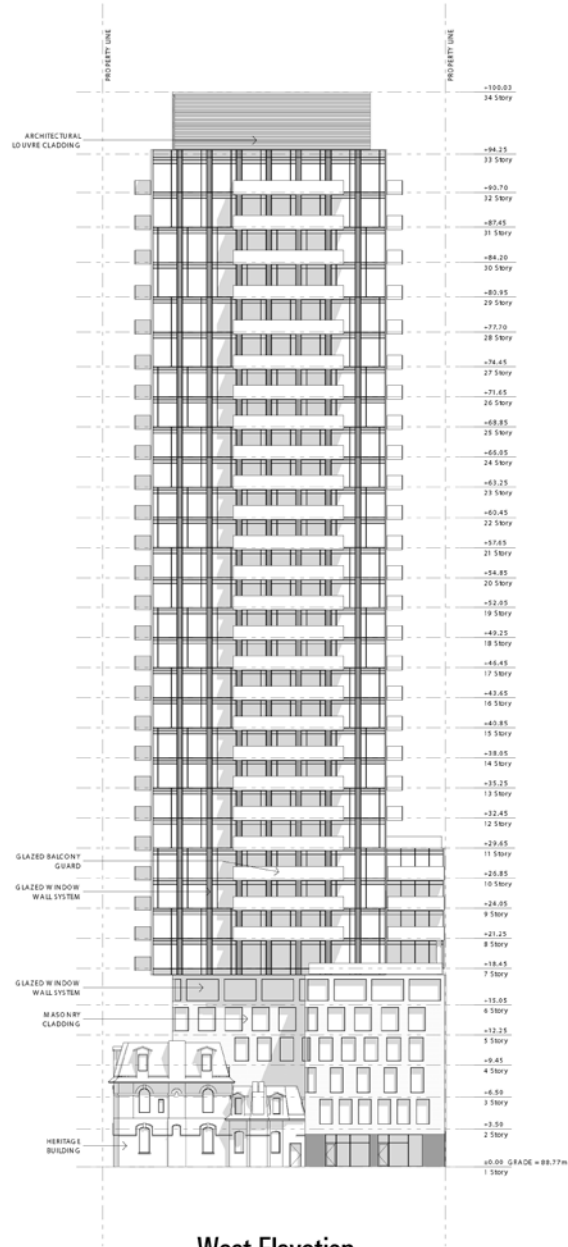
Elevations

Applicant's Submitted Drawing

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79-85 Shuter Street

File # 16 199836 STE 27 OZ



West Elevation

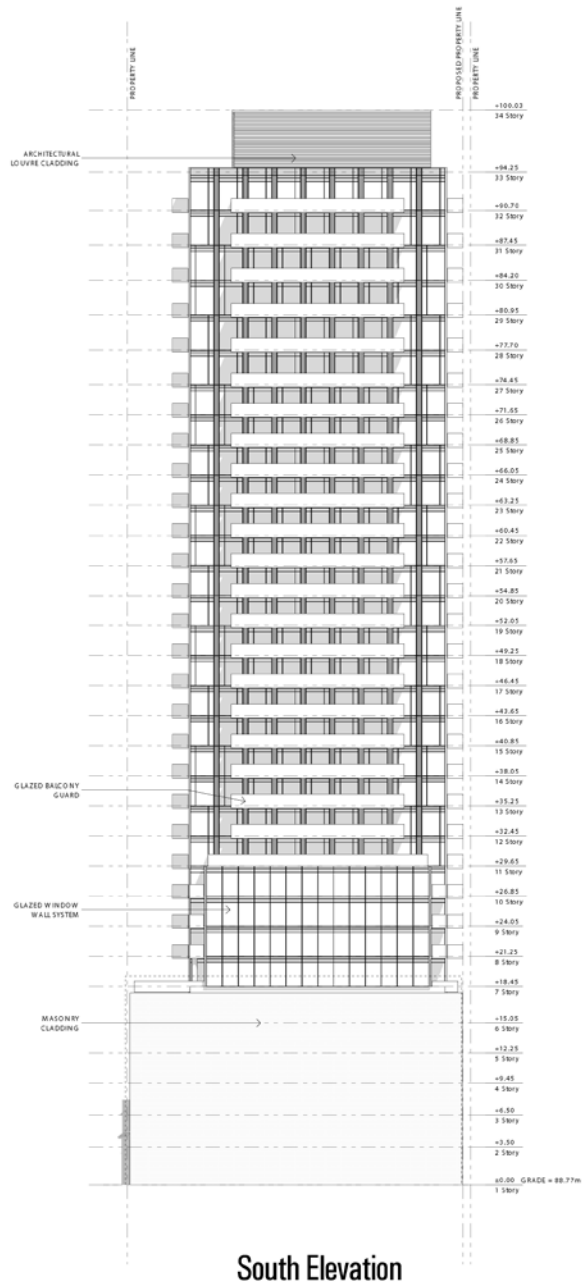
Elevations

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79-85 Shuter Street

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Elevations

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08/05/2016

79-85 Shuter Street

File # 16 199836 STE 27 0Z

Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	16 199836 STE 27 OZ
Details	Rezoning, Standard	Application Date:	August 2, 2016
Municipal Address:	79-85 SHUTER ST		
Location Description:	PLAN 10A SECTION A PT LOTS 14 TO 17 **GRID S2714		
Project Description:	Proposal for a 32 storey residential building containing 251 units, with 3 levels of underground parking containing 48 spaces to be used for residents and visitors.		

Applicant:	Agent:	Architect:	Owner:
ZC INVESTMENTS LTD HPH (81 SHUTER) LIMITED HPH (85 SHUTER) LIMITED		Architects Alliance	ZC INVESTMENTS LTD

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR T4.0 C0.5 R4.0	Historical Status:
Height Limit (m):	30	Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	1028	Height:	Storeys:	32
Frontage (m):	32.26		Metres:	94.25
Depth (m):	31.87			
Total Ground Floor Area (sq. m):	938			Total
Total Residential GFA (sq. m):	17007		Parking Spaces:	48
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	17007			
Lot Coverage Ratio (%):	90			
Floor Space Index:	16.59			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	17007	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	163	Office GFA (sq. m):	0	0
2 Bedroom:	62	Industrial GFA (sq. m):	0	0
3 + Bedroom:	26	Institutional/Other GFA (sq. m):	0	0
Total Units:	251			

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