

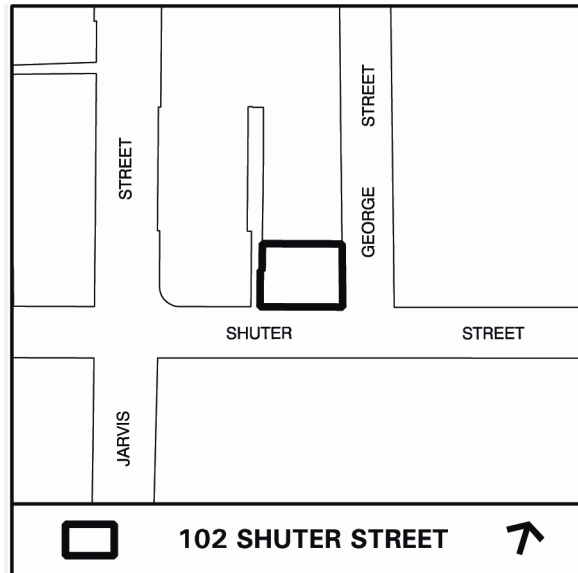
**102 Shuter Street – Official Plan Amendment & Rezoning Application – Supplementary Ontario Municipal Board Request for Direction Report**

<b>Date:</b>	October 5, 2009
<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>	08 222718 STE 27 OZ

**SUMMARY**

The Toronto and East York Community Council deferred consideration of the report (August 25, 2009) from the Director, Community Planning, Toronto and East York District, respecting “Request for Direction Report - 102 Shuter Street - Official Plan Amendment and Rezoning Application”, until its next meeting to be held on October 13, 2009, with a request that the Director, Community Planning, Toronto and East York District:

1. consider and report back to the next meeting of the Toronto and East York Community Council on the appropriateness of re-designating the lands known municipally as 102-110 Shuter Street from *Neighbourhoods* to *Mixed-Use Areas*; and
2. have further consultation with the applicant prior to City Council giving direction to the City Solicitor, the Chief Planner and Executive Director, City Planning, and other appropriate staff to attend any Ontario Municipal Board hearing in opposition to the current proposal.



The purpose of this report is to respond to Community Council's directions above and seek further direction on the appeal of this application to the Ontario Municipal Board.

Community Planning staff do not support re-designating the subject property at 102 Shuter Street from *Neighbourhoods to Mixed-Use Areas*. The current designation is appropriate and any potential development should be in keeping with the *Neighbourhoods* designation. During further consultation, the applicant and staff could not reach an agreement on an appropriate development for this site beyond the 4-storeys permitted within the Official Plan. As a result, City Council should authorize the City Solicitor, the Chief Planner and Executive Director and other appropriate staff to attend any Ontario Municipal Board hearing in opposition to the current proposal.

## **RECOMMENDATIONS**

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

1. City Council authorize the City Solicitor, the Chief Planner and Executive Director and other appropriate staff to attend any Ontario Municipal Board hearing in opposition to the current proposal, for the reasons contained in the staff report dated August 25, 2009.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **COMMENTS**

### **Re-designating Neighbourhoods to Mixed-Use Areas**

A number of low density residential uses exist within the immediate area that include: 5 semi-detached dwellings (10 units) immediately to the north of the subject site at 226 to 244 George Street constructed in approximately 1997; row houses directly across George Street to the east at 207 – 217 George Street constructed in 1919; and row houses to the east at 112-136 Shuter constructed in 1891 and listed on the City's inventory of heritage properties. These homes are all 3-storey buildings that adhere to the *Neighbourhoods* maximum 4-storey height permission.

The City of Toronto's current Official Plan was adopted by City Council in November 2002 and approved in part, with modifications by the Ontario Municipal Board in June 2006 and further approved by the Board, September 2007. At the time of the Official Plan review the City maintained and preserved the existing low density residential character of this area described in the previous paragraph by designating the row houses and semi-detached homes, including areas east of George Street, as *Neighbourhoods*. *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes, townhouses, as well as interspersed walk-up apartments that are no higher than four

storeys. Specifically, the subject site was also designated *Neighbourhoods* and through a site specific policy allowed additional gross floor area to be considered provided that the heritage resources of the existing building on site were protected.

Changing the designation of this site to *Mixed-Use Areas* would allow for a designation which permits consideration of more intense forms of development within a neighbourhood where sensitive infill development is more appropriate. Additionally, a *Mixed-Use Areas* designation would isolate the semi-detached dwellings to the north which would remain within a *Neighbourhoods* designation book ended between the *Mixed-Use Areas* designation of the Grand Hotel at 225 Jarvis Street (through lot) and 102 Shuter Street.

The subject property is located on the periphery of a *Neighbourhoods* designation and to the east of properties designated *Mixed-Use Areas* fronting on Jarvis Street. Notwithstanding the site location and its designation, there are severe development constraints because of the small lot size (790 square metres) and adjacency of the low rise residential homes. Increasing the height beyond that contemplated in the *Neighbourhoods* designation and increasing the overall density results in negative impacts through increased shadowing and loss of sky views. The lot's small size allows a limited opportunity to provide for appropriate setbacks, step backs, and transition regardless of the land use designation.

The *Neighbourhoods* land use designation is appropriate for the subject property given the surrounding neighbourhood context, in particular, its proximity to the residential homes to the north, its location along the periphery of a *Neighbourhoods* designation east of Jarvis Street and the small lot size.

## **Ontario Municipal Board Pre-Hearing and Applicant Consultation**

### **Ontario Municipal Board**

On September 28, 2009 City Legal and Planning staff attended a pre-hearing conference at the Ontario Municipal Board. The main purpose of this pre-hearing was to identify parties and participants and set future Ontario Municipal Board hearing dates. The second pre-hearing date has been set for Thursday, December 17, 2009 and the full hearing date is set for three weeks commencing Tuesday, February 16, 2010. The pre-hearing was also attended by a number of area residents who are part of the "Shuter-George Concerned Residents Group" which is a collection of approximately 19 local residents. This group has a concern with the height and massing of the proposed development and is in opposition to the current proposal before the Board.

### **Applicant Consultation**

Community Planning staff met with a representative from the applicant's team on October 5, 2009 in order to discuss development options for this site prior to City Council giving direction for the Ontario Municipal Board hearing. Staff reviewed various conceptual development options beyond the height permitted by the Official Plan and the physical impacts of each. The applicant and staff could not reach an agreement on an

appropriate development for this site beyond the height permitted within the Official Plan.

## **Conclusion**

Community Planning staff do not support re-designating the subject property at 102 Shuter Street from *Neighbourhoods* to *Mixed-Use Areas*. The current designation is appropriate and any potential development should be in keeping with the *Neighbourhoods* designation. During further consultation, the applicant and staff could not reach an agreement on an appropriate development for this site beyond the height permitted within the Official Plan. As a result, City Council should authorize the City Solicitor, the Chief Planner and Executive Director and other appropriate staff to attend the Ontario Municipal Board hearing in opposition to the current 20-storey proposal.

## **CONTACT**

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## **SIGNATURE**

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

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