

51 Lake Shore Drive - Official Plan and Rezoning Amendment and Site Plan Applications – Request for Direction Report

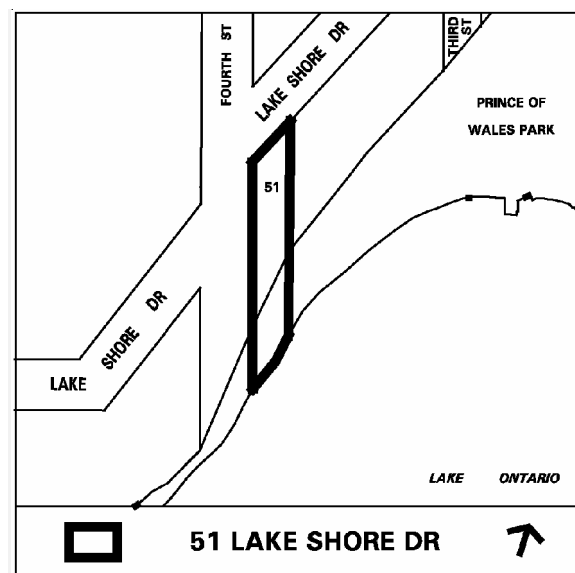
Date:	September 29, 2009
To:	City Council
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward 6 – Etobicoke-Lakeshore
Reference Number:	08 192870 WET 06 OZ and 08 192900 WET 06 SA

SUMMARY

The purpose of this report is to advise City Council that applications to amend the Official Plan and the former City of Etobicoke Zoning Code for 51 Lake Shore Drive have been appealed to the Ontario Municipal Board. This report also reviews and recommends refusal of a revised development proposal that was submitted on April 17, 2009 and is to be considered at a future Ontario Municipal Board (OMB) Hearing.

The applications originally proposed to permit the construction of a townhouse block containing seven townhouse units at 51 Lake Shore Drive. The applicant has submitted revised plans to permit the development of six semi-detached dwelling units and one single detached dwelling unit.

Staff is recommending refusal of the revised proposal and applications because the proposed six semi-detached dwellings and one single detached dwelling does not conform to the respective policies of the Official Plan and is not consistent with the Provincial Policy Statement.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the applications to amend the Official Plan and former City of Etobicoke Zoning Code to permit one single detached dwelling and six semi-detached dwellings at 51 Lake Shore Drive as the proposed residential development does not conform to the Official Plan and is not consistent with the Provincial Policy Statement.
2. City Council direct the City Solicitor, City staff and any necessary consultants to attend a future Ontario Municipal Board Hearing to oppose the applications as represented by the revised proposal outlined in this report.
3. In the event the OMB is inclined to approve a development of the lands, the City Solicitor request the Board to impose necessary conditions of site plan approval as determined by staff.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

The applicant previously submitted applications to amend the Official Plan and the Etobicoke Zoning Code and for Site Plan Approval to permit a single detached dwelling on the site. A Preliminary Report recommending a community consultation meeting, among other directions, was adopted by Etobicoke York Community Council on October 2, 2007 (EY.10.3).

<http://www.toronto.ca/legdocs/mmis/2007/ey/decisions/2007-10-02-ey10-dd.pdf>

A community consultation meeting was held on December 5, 2007. The applicant subsequently withdrew his applications to permit the house at the site.

On August 12, 2008, the applicant submitted Official Plan Amendment and Rezoning applications and an application for Site Plan Approval to permit a four storey townhouse block consisting of seven townhouse dwellings. A community meeting was held on November 27, 2008 in relation to the new application. The applicant later advised staff in December of 2008 that he would not be proceeding with the townhouse proposal and that he would be submitting a revised proposal for the applications. On this basis, staff did not prepare a Preliminary Report but awaited the revised resubmission for reporting purposes.

On April 17, 2009, the applicant submitted revised plans to permit a residential development consisting of six semi-detached dwelling units and one single detached dwelling unit.

Shortly after, on April 29, 2009, the applicant appealed the Official Plan and Zoning amendment applications based on the semi and single detached dwellings proposal.

On August 5 and 6, 2009, City Council considered a report from the Deputy City Manager and the Chief Planner and Executive Director, City Planning requesting a deferral of consideration of the report regarding the appeal to the OMB to the September 30 and October 1, 2009 City Council meeting. The request was made as a result of the recent labour disruption to allow staff to complete the report on the appeal. City Council deferred the report on the appeal to the September 30, 2009 and October 1, 2009 City Council meeting. (EY28.49)

<http://www.toronto.ca/legdocs/mmis/2009/cc/decisions/2009-08-05-cc38-dd.htm>

Proposal (Revised)

The revised proposal is to permit the construction of six semi-detached dwellings and one single detached dwelling. The proposed seven dwelling units will be 4 storeys in height. Two driveways from Fourth Street will be for vehicular access to the proposed semi-detached dwellings and single detached dwelling. Attachment 1 shows the revised residential development proposal submitted on April 17, 2009 that has been appealed to the OMB.

Site and Surrounding Area

The site is located at the southeast corner of Lake Shore Drive and Fourth Street, and is adjacent to Lake Ontario. The property is almost rectangular in shape and generally flat. A two-storey plus basement building exists at the front of the property beside Lake Shore Drive and was formerly used by Lake Side Lodge, a seniors retirement home. The applicant proposes to demolish the existing building. In regard to the boundaries of the property, City staff has investigated the appropriateness of the property boundaries for these applications in relation to the Lake Ontario shoreline and have determined that the property boundaries submitted by the applicant's surveyor appear to be reasonable. Attachment 5 is an air photo of the site.

The surrounding uses are as follows:

North: low density residential dwellings and a parkette

South: Lake Ontario

East: a 7-storey apartment building

West: low density residential dwellings

Provincial Policy Statement 2005 and Provincial Plans

The Growth Plan for the Greater Golden Horseshoe (GGH) requires that where conflict exists between policies of the GGH and the Provincial Policy Statement (PPS) relating to the natural environment or human health, the direction that provides more protection to the natural environment or human health prevails. In the case of these applications, the policies of the PPS provide more protection to the natural environment or human health.

The Provincial Policy Statement 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. Conformity with the PPS is discussed later in this report.

Official Plan

The southern portion of the site is shown as part of the *Green Space System* on the City's Urban Structure Map (Map 2). The Toronto waterfront is a major feature of the *Green Space System*. Policy 2.3.2.1 c) of the Plan indicates that actions will be taken to improve, preserve and enhance the Green Space System by:

- c) restoring, creating and protecting a variety of landscapes.

Policy 2.3.2.7 a) and b) of the Plan states that private development and public works on lands along the water's edge or in its vicinity will:

- a) improve public access in the waterfront; and
- b) maintain and increase opportunities for public views of the water, and supports a sense of belonging to the community.

The site is split-designated *Neighbourhoods* and *Parks and Open Space Areas-Natural Areas*. *Neighbourhoods* are considered as physically stable areas primarily made up of low density type residential uses. The proposed semi and single detached dwellings would be provided for in the *Neighbourhoods* designation.

Development is generally prohibited within *Parks and Open Space Areas* except for recreational and cultural facilities, conservation projects, cemetery facilities, public transit and essential public works and utilities where supported by appropriate assessment (Policy 4.3.2.).

The *Parks and Open Space Areas* policies state that areas shown as *Natural Areas* will be maintained primarily in a natural state, while allowing for:

- (a) compatible recreational, cultural and educational uses and facilities that minimize adverse impacts on natural features and functions; and

- (b) conservation projects, public transit, public works and utilities for which no reasonable alternatives are available, and that are designed to have only minimal adverse impacts on natural features and functions.

Policy 4.3.7 of “Development Criteria in *Parks and Open Space Areas*” of the Official Plan states that: “Parks and Open Space Areas that are privately owned are not necessarily open to the general public nor intended to be purchased by the City. If an application is made to develop such lands and the City or a public agency does not wish to purchase them to extend the public open space system, the application will be considered on the basis of its consistency with the policies of this Plan”.

The southerly portion of the site is also located within the *Natural Heritage System* shown on Map 9. The Natural Environment policies in Section 3.4 of the Official Plan seek to promote good stewardship through the protection and enhancement of the natural environment while building the City. Map 9 identifies significant natural features and functions, including the shoreline of Lake Ontario, which make up the natural heritage system. The Plan specifies that the natural heritage system is made up of areas where protecting, restoring and enhancing the natural features and functions should have high priority. Development is generally not permitted in the natural heritage system shown on Map 9. When the underlying land use designation provides for development in or near the natural heritage system, the proposed development will recognize natural heritage values and potential impacts, minimize adverse impacts and when possible, restore and enhance the natural heritage system. The proposed development’s impact on the system is to be evaluated and an impact study may be required to undertake the evaluation and identify natural heritage system restoration and enhancement opportunities.

A portion of the proposed residential development is to be located within or adjacent to the natural heritage system. The applicant has submitted a Natural Heritage Impact Study. The Natural Heritage Impact Study has been reviewed by City staff and the Toronto and Region Conservation Authority and is discussed later in this report.

The site abuts Lake Ontario. Policy 3.4.8 states that development will be set back by at least 10 metres, or more if warranted, from locations near the shoreline which may be hazardous if developed because of flooding, erosion or dynamic beach processes. The Toronto and Region Conservation Authority (TRCA) has delegated responsibility for regulating natural hazards. The applicant has submitted an assessment of slope stability and flood hazard, which will be discussed in this report.

Zoning

The property is zoned Second Density Residential (R2) subject to By-law 3754 and G District in the former City of Etobicoke Zoning Code. The R2 Zone permits single family and semi-detached dwellings. By-law 3754 permits buildings, structures and lands used on the date of the passing of By-law 3754 that were legal under the former R3 and R4 Zones. The G District zone does not permit a single detached dwelling or a semi-detached dwelling. The G District zone permits, among other uses: public parks and

recreation facilities, including arts and cultural facilities; golf-courses; playgrounds; playfields; community recreation buildings; and garden allotments.

Site Plan Control

A Site Plan Approval application for the originally proposed townhouse development was submitted. The applicant has revised the proposal to permit six semi-detached dwelling units and one single detached dwelling. Staff will review matters, such as, grading, landscaping, building design and access in more detail through the site plan approval process, in the event that the proposal or a further revision proceeds to a favourable outcome through the Official Plan Amendment and Rezoning applications.

Reasons for the Application

The revised residential development proposal does not conform with the provisions of the City of Toronto Official Plan. The applicant has submitted an application to amend the Official Plan to: define the boundary between the *Neighbourhoods* and *Parks and Open Space - Natural Areas* land use designations for the site to: amend Policy 3.4.8 of the Plan; and to allow a development that is out of keeping with the physical character of the existing prevailing neighbourhood built form and context (Policy 4.1.5). The proposed single detached dwelling is not a permitted use in the G District Zone of the Etobicoke Zoning Code. The proposed development does not satisfy a number of development standards required by the R2 zone.

ISSUE BACKGROUND

The revised proposal submitted on April 17, 2009 was circulated to other City Divisions and agencies for comment. Issues that arise in relation to the revised proposal include but are not limited to:

- a) consistency with the applicable policies of the Provincial Policy Statement;
- b) conformity with the City of Toronto Official Plan policies and land use designations;
- c) design issues such as appropriate building height, intensity of development and setbacks of the proposed dwellings and fit into the context of the neighbourhood, including consideration of the location of the existing buildings on the property;
- d) public access to the waterfront and views to Lake Ontario;
- e) identification of hazard lands and, assessment of natural heritage impacts associated with the Lake Ontario shoreline (ie. an appropriate setback of the proposed residential development from the shoreline) and consultation with and resolution of Toronto and Region Conservation Authority concerns;
- f) deficiencies of information in support of the development and any further comment as identified by the TRCA;
- g) tree preservation; and
- h) addressing issues raised through community consultation and agency comments.

Since the property is split-designated *Neighbourhoods* and *Parks and Open Space Areas-Natural Areas* it is necessary to determine where the division between the two Official Plan Land Use designations occurs on the site. Singles and semi-detached dwellings are an acceptable housing type in a *Neighbourhoods* designation. Development is generally prohibited in the Parks and Open Space Areas and Natural Areas are to be maintained primarily in a natural state.

The site is also located within the TRCA regulated area under Ontario Regulation 166/06. The revised development proposal has been circulated for review and comment to the TRCA. The comment received from the TRCA is necessary to assist in determining what part of the property is considered to be “hazardous lands” and as such, would not be considered appropriate for development under the Provincial Policy Statement and Official Plan Policies by the TRCA. This assists Planning staff to determine the extent to which development can occur on the site while also respecting Provincial Policy and Official Plan policies.

COMMENT

Consistency with the Provincial Policy Statement

The Provincial Policy Statement directs growth within settlement areas and away from significant or sensitive resources which may pose a risk to public health. The Building Strong Communities policies of the PPS strives to ensure the efficient use of land and development patterns in order to support strong, liveable and healthy communities, and protect the environment and public health and safety and facilitate growth. Policy 1.1.1 (c) of the PPS, under Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns notes, that healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns. Also, the Wise Use and Management of Resources Policy 2.1.1 states that natural features and areas shall be protected for the long term.

Provincial Policy Statement policy 3.0 – Protecting Public Health and Safety in relation to Natural Hazards has applicability to these lands. The policy provides that development shall be directed away from areas of natural hazard where there is unacceptable risk to public safety or of property damage. The policy directs that development shall generally be located to areas outside of hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards.

As detailed later in this report, the Toronto and Region Conservation Authority (TRCA) has advised that it cannot support the revised proposal for six semi-detached dwellings and one single detached dwelling. The revised proposal is partially located within the natural hazard limit as determined by the TRCA. The proposed development is not located outside “hazardous lands”. As such, the proposal represents a public health and

safety concern due its situation in hazard lands. Accordingly, the revised proposal is not consistent with the Provincial Policy Statement.

Toronto and Region Conservation Authority

The TRCA has commented that the site is partially located within a Regulated Area of the Lake Ontario Shoreline under Ontario Regulation 166/06. A permit is required to be obtained from the TRCA prior to any development occurring on the site. The TRCA has also noted that the building footprint proposed in the revised proposal is similar to the original proposal under these applications for seven townhouse units.

The TRCA has reviewed the proposal for six semi-detached dwellings and one single detached dwelling and cannot support the revised proposal and applications. The TRCA has determined that the Natural Hazard Limit for the site is located 23 metres in-land from the existing toe of the shore adjacent to Lake Ontario. TRCA comments that areas that fall within the Natural Hazard Limit are subject to flooding and erosion. The TRCA has advised that the proposed residential development is partially located within the Natural Hazard Limit. Attachment 6 shows the Natural Hazard Limit in relation to the proposal.

In addition, the TRCA requires the applicant to provide a 10 metre structural setback from the Natural Hazard Limit in accordance with the TRCA's Shoreline Management Program and the City of Toronto's Official Plan. The Shoreline Management Program was designed to prevent loss of life and limit the loss of property, due to shoreline hazards throughout its area of jurisdiction. The revised proposal is located within the 10 metre structural setback.

The TRCA has further commented that the applicant proposes to remove the existing armour stone and concrete block seawall and construct a new sloped armour stone revetment. The revetment appears to be partially located on the bed of Lake Ontario which is crown land. The proposal does not address the need to receive approval from the Province in regard to construction of the proposed armour stone revetment on Crown land. The TRCA has reviewed the report on the development proposal prepared by the applicant's engineer (Shoreplan Engineering Limited) and concludes that the report does not address potential impacts of the proposed shore protection works upon the neighbouring properties or a larger section/reach of shoreline. In principle, the TRCA does not support the construction of new shoreline protection works for the purpose of accommodating new development within the natural hazard area. The TRCA considers that new protection measures should only be considered when existing buildings or infrastructure are at risk to hazards such as flooding and erosion.

The TRCA advises that the applicant has not addressed its concerns related to decreasing the size of the building footprint to address proposed open space corridor and natural hazard limits. These concerns were expressed by the TRCA in its earlier comments on the 7 unit townhouse proposal.

City of Toronto Official Plan

The Natural Environment

One reason for the submission of the applications by the applicant was to amend the Official Plan to define the boundary between the *Neighbourhoods* and *Parks and Open Space Areas-Natural Areas* land use designations on the site. The Official Plan notes (sidebar page 3-24) that the Toronto and Region Conservation Authority plays an important role in managing Toronto's natural environment. One role of the TRCA is the protection of life and property from flooding and erosion. The TRCA has deemed the area of the site that is subject to hazardous conditions to extend 23 metres in-land from the toe of the shore adjacent to Lake Ontario.

In addition, a 10 metre structural setback is required to be provided beyond the 23 metre Natural Hazard Limit in accordance with the TRCA's Shoreline Management Program. Policy 3.4.8 – The Natural Environment of the Official Plan requires development to be setback 10 metres, or more if warranted by the severity of existing or potential natural hazards:

- a) the top-of-bank of valleys, ravines and bluffs;
- b) other locations where slope instability, erosion, flooding, or other physical conditions present a significant risk to life or property; and
- c) other locations near the shoreline which may be hazardous if developed because of flooding, erosion or dynamic beach processes.

Policy 3.4.1 e) – The Natural Environment of the Official Plan states that to support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment, including public works, will be environmentally friendly, based on reducing the risks to life, health, safety, property, and ecosystem health that are associated with flooding, unstable slopes and erosion and contaminated lands.

The TRCA does not support the revised proposal since some of the proposed dwellings are located within the identified hazard land plus the additional 10 metre structural setback. Based on the determination of the TRCA regarding the Natural Hazard Limit, Community Planning concludes that the boundary between the *Neighbourhoods* and *Parks and Open Space Areas - Natural Areas* land use designations on the site is located 23 metres in-land from the toe of the shore traversing across the property. Consequently, Community Planning does not support the revised proposal and applications since the proposal is located in the *Parks and Open Space Areas - Natural Areas* land use designation of the Official Plan and is considered to be on hazard lands. The proposal does not conform to Policies 3.4.1 e) and 3.4.8 of the Official Plan.

The applicant submitted a Natural Heritage Impact Evaluation study (July 2008) for the original seven unit townhouse proposal. A letter updating the July 2008 study was

submitted on April 17, 2009 with the revised proposal. The Natural Heritage Impact Evaluation study finds that the site is considered to be a mowed lawn. The study concludes that due to the lack of natural features within and beside the site, no impact to terrestrial or aquatic connections due to the development proposal will occur. The study does note that disruption will occur because of the proposed revetment of the Lake Ontario Shoreline of the site. The study recommends additional planting in association with the redevelopment of the site in order to restore the terrestrial part of the waterfront and to create natural areas to serve migrating wildlife, such as birds and insects.

Policy 4.3.3-Parks and Open Spaces Areas states that the *Natural Areas* designation on a site will be maintained primarily in a natural state. The proposal for one single detached dwelling and several of the six semi-detached dwellings does not conform to Policy 4.3.3 since the area of land designated as *Parks and Open Space Areas – Natural Areas* is being developed for residential uses and is not being restored or enhanced to a more natural state. Community Planning is of the opinion that the revised proposal does not conform to the Official Plan regarding development in or adjacent to Natural Areas. The proposal does not support the *Green Space System* by promoting preservation and enhancement of the system to maintain and increase opportunities for public view of the water and for the physical and visual continuity of the waterfront.

The proposed revetment required to support development does not meet the criteria for lakefilling under Policy 3.4.17 because it is not required to protect the site. Basically the revetment proposed by the applicant is required to facilitate the development proposal.

Neighbourhoods

The remainder of the lands on the site located outside the Natural Hazard Limit as determined by the TRCA is considered by Community Planning to be designated *Neighbourhoods* in the Official Plan. Any consideration to permitting a single detached dwelling or semi-detached dwellings on that portion of the site that is not hazard lands must occur in the *Neighbourhoods* land use designation but also must respect the 10 metre structural setback from the Hazard Land Limit. The Official Plan (Policy 3.4.9) does not permit hazard lands to be used to calculate density in a zoning by-law or used to satisfy parkland dedication requirements.

Policy 4.1.5 of the Official Plan sets out criteria for development in established *Neighbourhoods*. The criteria will assist in respecting and reinforcing the existing physical character of the neighbourhood. Some of the criteria are as follows:

- a) size and configuration of lots;
- b) prevailing building type(s);
- c) setbacks of buildings from the street or streets;
- d) prevailing patterns of rear and side yard setbacks and landscaped open space; and
- e) continuation of special landscape or built-form features that contribute to the unique physical character of neighbourhood.

The *Neighbourhoods* designation of the Official Plan also notes that the prevailing building type will be the predominant form of development in the neighbourhood. In the site's neighbourhood, the prevailing building form is single detached dwellings. However, also present in the neighbourhood are semi-detached dwellings, duplexes, residential properties having three or more self-contained dwelling units, a multi-residential building with 7 or more self-contained dwelling units (excludes row-housing) and a co-ownership building.

The proposed semi-detached dwellings and single detached dwelling are 4 storeys in height. The character of the neighbourhood for this building type is predominantly one and two storey single and semi-detached dwellings. The four storey development proposal is too high for the existing neighbourhood context, especially on a site in close proximity to the lakefront. As such, the proposal does not maintain the prevailing building type in the neighbourhood of one and two storey single detached dwellings reflecting the low scale character of the adjacent street, as well as, other streets in the neighbourhood. The proposal does not reflect the physical character of the existing one and two storey semi-detached dwellings in the vicinity. The chart below compares project data for the proposal with the zoning requirements for single and semi-detached dwellings in the R2 zone, as well as the existing setbacks and regulation for a number of houses in the neighbourhood, that reflect the prevailing built form context.

R2 Zoning By-law Setback/Regulation	Proposal (metres) (percent)	Zoning By-law Requirement (New Toronto) (metres)	Majority of Dwellings and lots
Minimum Front Yard	0.4 m-Lake Shore Dr. 0.45 m -Fourth Street	6.0	5 m (average)
Minimum Rear Yard	0 metres – (semi-detached dwellings facing 4 th Street) approx. 3 m as scaled at the closest point (single detached dwelling)	7.5	18 m (average)
Maximum Building Height	14.1 to the top of the roof (4 storeys)	9.5 to the highest point of the roof	9.5 metres or less (one to two storeys)
Minimum Landscaped Open Space	36.6%	40%	No information available

From the information provided, in comparison to the Zoning By-law regulation and representative built form in the area, the proposal does not provide adequate front and rear yard setbacks from the new buildings to the property lines. The proposed front and rear yard setbacks are substantially deficient from the current zoning standards for front and rear yard setback. They are substantially less than the front and rear yard setbacks of existing houses in the area. The semi-detached dwellings that front onto Fourth Street do

not have any rear yard setback since the building is to be located on the east property line. The revised proposal does not respect and reinforce the prevailing setbacks and pattern of front and rear yard setbacks in the neighbourhood. As a result of the deficient setbacks, any pedestrian views towards the lake are restricted and the character of the area is altered.

The proposal on the whole is deficient in minimum landscaped open space from the requirements of the Zoning By-law. Any potential for grade related rear yard amenity space related to each of the proposed dwelling units on the site has been eliminated in order to provide driveway access and parking to the semi-detached dwellings from the back of each unit. The majority of lots in the neighbourhood have large rear yard setbacks and provide for front yard landscaping to achieve appropriate landscaped area on the properties.

Community Planning questions the validity of the proposed landscaped open space attributed to the proposed dwellings since the majority of grade related landscaping occurs only between the very small front yard setback from the new buildings. There is very minimal room for any planting on the site due to the deficient setbacks, hard asphalt surface and building coverage of the site. It should also be noted that the remaining lands located immediately south of the proposed single detached dwelling is the only large contiguous area of open space on the site. This open space area is in the applicant's proposed 10 metre setback ending at the south wall of the single detached dwelling. The usability of this large open space to satisfy the landscaped open space requirements of the Zoning By-law for each of the proposed dwelling units is inappropriate given that ultimately this open space will be attributed to only one property.

The development proposal does not reflect the majority of existing lot depths in the neighbourhood. The lots in the neighbourhood that contain single detached dwelling units or semi-detached dwelling units have lot depths of approximately 37.5 metres in length. The lot depth for the majority of the proposed semi-detached dwellings is approximately 15 metres. Furthermore, the proposed siting of the single detached dwelling also does not reflect the physical character of the neighbourhood since the depth of the lot is the limit of the building footprint of the proposed single detached house.

The revised proposal represents an overdevelopment of the site in relation to the existing built form and zoning by-law standards. It does not respect nor reinforce the existing physical character of the neighbourhood as assessed by the development criteria set out for development in neighbourhoods.

The site taking into consideration the hazard lands area plus the additional 10 metre structural building setback, would be more suitable for the development of two single detached dwellings on the site facing Lake Shore Drive, with setbacks that reflect the character of the neighbourhood and respect the intent of the R2 zoning standards, instead of the deficient setbacks of the revised proposal.

Built Form and Public Realm

The revised proposal does not conform to the Built Form Policies of the Official Plan. Policy 3.1.2.1 a), c) and d) states that new development will be located and organized to fit with its existing and/or planned context. It will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development by:

- a) generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback. On a corner site, the development should be located along both adjacent street frontages and give prominence to the corner. If located at a site that ends a street corridor, development should acknowledge the prominence of that site;
- c) providing ground floor uses that have views into and, where possible, access to, adjacent streets, parks and open spaces; and
- c) preserving existing mature trees wherever possible and incorporating them into landscaping designs.

The proposal does not at a minimum provide for a consistent front yard setback that reflects the existing context of houses on the streets in the neighbourhood as required in Policy 3.1.2.1 a). As noted earlier in this report, the proposed front yard setbacks of 0.4 and 0.45 metres are not reflective of the greater front yard setbacks that are already established in the neighbourhood. These existing consistent front yard setbacks for the existing homes on the street help to establish the low density single and semi-detached dwelling character that frames the streets in the neighbourhood.

Further, the proposal does not provide ground floor uses that have views into the adjacent streets and open spaces in accordance with Policy 3.1.2.1 c). The applicant has provided two parking spaces for the semi-detached dwelling units on the first floor. As such, the main living room space for each semi-detached dwelling is located on the second floor. A deck is also proposed to be located on the second floor. The semi-detached dwelling units do not establish ground floor uses that provide for views into the adjacent streets and open space. The ground floor uses proposed are a parking area, furnace room and entrance foyer. These proposed ground floor uses do not occupy persons for long periods of time in the home and do not facilitate views to outside.

Policy 3.1.2.5 b) – Built Form requires new development to co-ordinate landscape improvements in setbacks to create attractive transitions from the private to public realms. The proposal does not conform to Policy 3.1.2.5 b) since there is almost no adequate front yard building setback (0.4 metres and 0.45 metres) to the property line in order to provide for an appropriate co-ordinated landscape improvement in setback to create an attractive transition from the private to public realm. In fact the entry landing at the front door entrance to the proposed dwellings on Fourth Street encroaches within the City boulevard.

Policy 3.1.2.5 d) – Built Form states that new development will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by providing landscaped open space within the development site.

The proposal does not conform to Policy 3.1.2.5 d). There is very minimal landscaped open space on the site at grade as a result of the overdevelopment of the lands. The Official Plan has Public Realm policies that strive to build a great city through high quality squares, parks, streets and public spaces and the buildings which frame them. Policy 3.1.1.4 – The Public Realm of the Official Plan states the natural features of the City, such as the Lake Ontario shoreline, the Lake Iroquois escarpment, woodlots, ravines and valley lands, will be connected to the surrounding city by improving physical and visual access from adjacent public spaces and by designing these into a comprehensive open space network.

Community Planning acknowledges the built form policies of the Plan in that new development will be massed to fit harmoniously into its existing and/or planned context through appropriate transitions in scale to the neighbouring existing buildings. Having regard to the *Neighbourhoods* designation, the development does not provide an appropriate transition between the existing apartment building to the east of the site and low rise built form to the west in that the proposal creates the impression of a wall given its height, massing and building coverage. The amount of coverage and lack of rear yard suggests that this development is using the adjacent apartment's open space to support their development.

Policy 3.1.1.8 – The Public Realm states scenic routes with public views of important natural or human-made features should be preserved and, where possible, improved by:

- a) maintaining views and vistas as new development occurs;
- b) creating new scenic routes or views when an opportunity arises; and
- c) increasing pedestrian and cycling amenities along the route.

The termination of Fourth Street to the Lake Ontario Shoreline provides residents and passer-bys along the Waterfront Trail with a “window on the lake”. The revised proposal does not support the above noted Public Realm policies. The proposed building massing and building location will lead to increased blocked views and vistas to the Lake Ontario Shoreline from the street beyond those currently being experienced.

Urban Forestry

Urban Forestry (Tree Protection and Plan Review) has advised that the plans indicate that there are 11 trees on the City road allowance adjacent to the site. Two of the eleven existing trees have been misidentified as privately owned and a further four existing City trees have not been identified on the plan. Urban Forestry requires the Tree Preservation Plans to be updated to reflect all of the existing trees. One City Tree is to be removed and a tree protection security deposit reflective of four of the trees values and potential for damage is required following confirmation of appropriate tree protection hoarding

installed on the site. Urban Forestry further comments that the development plan proposes a significant driveway encroachment into the Tree Protection Zone's of two City trees likely resulting in significant damage to the root system's of these City-owned trees and as such should be revised. As such, Urban Forestry cannot support the proposal.

In regard to trees on private property, the Arborist Report submitted with the application indicates 4 trees that qualify under the provisions of the Private Tree By-law. Where it is not possible to retain or adequately protect trees on private property that qualify for protection under the private tree by-law, the applicant is required to submit an Application for Permit to Injure/Destroy Privately Owned Trees to Urban Forestry. The proposed plan includes the removal of a total of 3 trees from private property and 1 tree from City property. Five Red Maple trees are to be planted on the City road allowance. Urban Forestry concludes that the proposal does not include an adequate amount of tree planting on the site. Urban Forestry requires at least 9 trees to be planted on private property. Urban Forestry cannot support the revised proposal and applications.

Community Consultation

A Community Consultation Meeting was held on November 27, 2008 in order to provide residents and business/property owners with an opportunity to review and comment on the application. Ninety-three persons recorded their names at the meeting. The original proposal for seven four storey townhouses was presented and discussed. The City has received numerous letters and emails in objection to the original application for seven four storey townhouses on the site. Community Planning has also received letters and emails in objection to the revised residential development proposal. A second Community Consultation Meeting was not held on the revised proposal for a single detached dwelling and six semi-detached dwellings given the appeal by the applicant to the OMB.

The matters of concern identified by the public/residents with development on this site:

- (a) the density and height (too high and too many units, the development will look like a wall);
- (b) additional visitor parking for the proposed development on the street;
- (c) the massing of the proposed building;
- (d) the development will block views to the lake and is not appropriate due to its proximity to the Waterfront Trail;
- (e) the development does not fit in the neighbourhood;
- (f) the shadow impacts on adjacent properties;
- (g) the correctness of the property boundaries;
- (h) the need to maintain public access to the lake;
- (i) loss of mature trees;
- (j) questions were raised about the construction and use of the revetment and coastal seawall with the development proposal;
- (k) permitting the development proposal could set a precedent;
- (l) how far further south the proposed development will extend beyond the existing apartment building to the east and what is on the roof of the development; and

- (m) garbage storage and location of air conditioning units for the development;

Many of the concerns raised at the community meeting are shared by City staff as discussed in this report.

Conclusion

Staff have reviewed the revised proposal for compliance with the Official Plan Policies and conclude that the revised proposal to permit one single detached dwelling and six semi-detached dwellings having heights of four storeys does not conform to the respective aforementioned policies of the Official Plan. The residential development proposal does not fit harmoniously into the existing neighbourhood context and is considered to be too massive resulting in overdevelopment of the site. The proposal is not consistent with the Provincial Policy Statement and does not conform to the Official Plan. In addition a portion of the proposed development is situated in hazard lands and presents an unacceptable risk to public safety or property damage. The proposal also does not provide the required 10 metre setback from the hazard lands but rather encroaches well into the 10 metre setback.

CONTACT

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E-mail: ghobson@toronto.ca

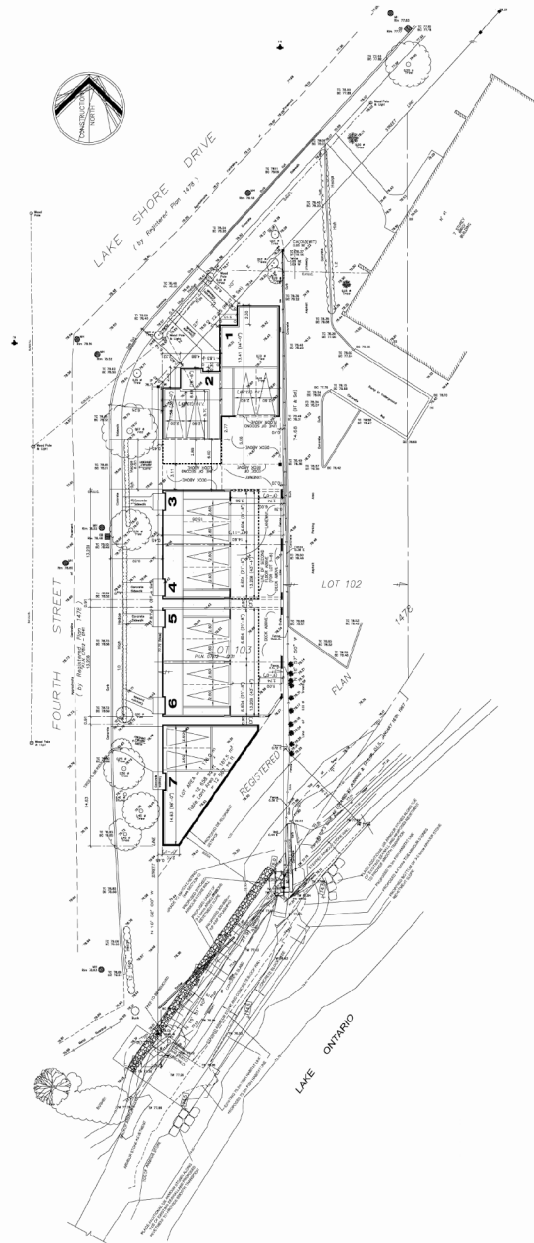
SIGNATURE

Gary Wright
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Official Plan
Attachment 5: Air Photo of Site
Attachment 6: Natural Hazard Limit
Attachment 7: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicants Submitted Drawing

Not to Scale
05/19/09



51 Lake Shore Drive

File #08_192870

Attachment 2: Elevations

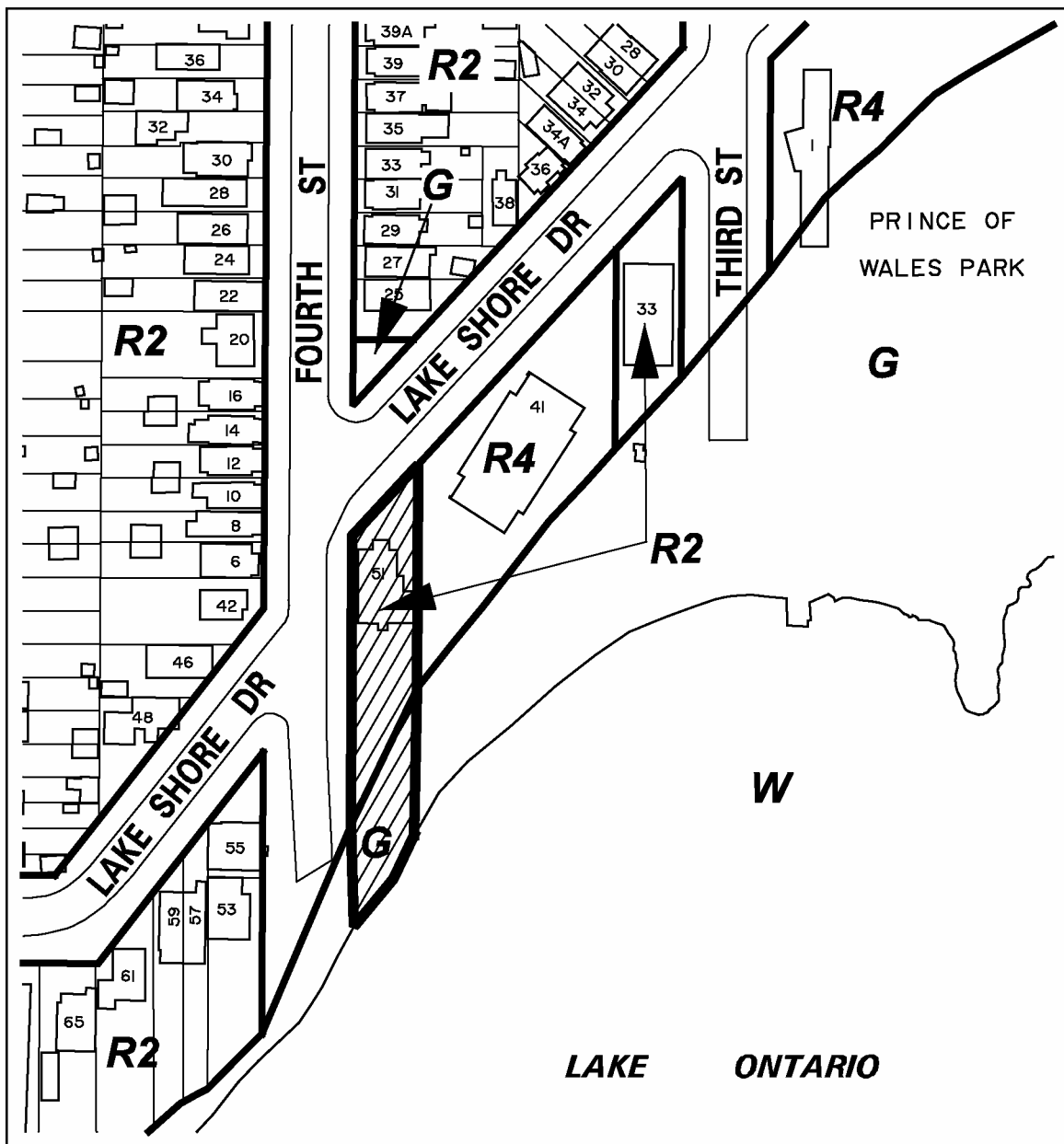


51 Lake Shore Drive

Elevations
Applicant's Submitted Drawing
Not to Scale
05/19/09

File # 08_192870

Attachment 3: Zoning



Toronto City Planning
Zoning

51 LAKE SHORE DR

File # 08_192870

Former New Toronto

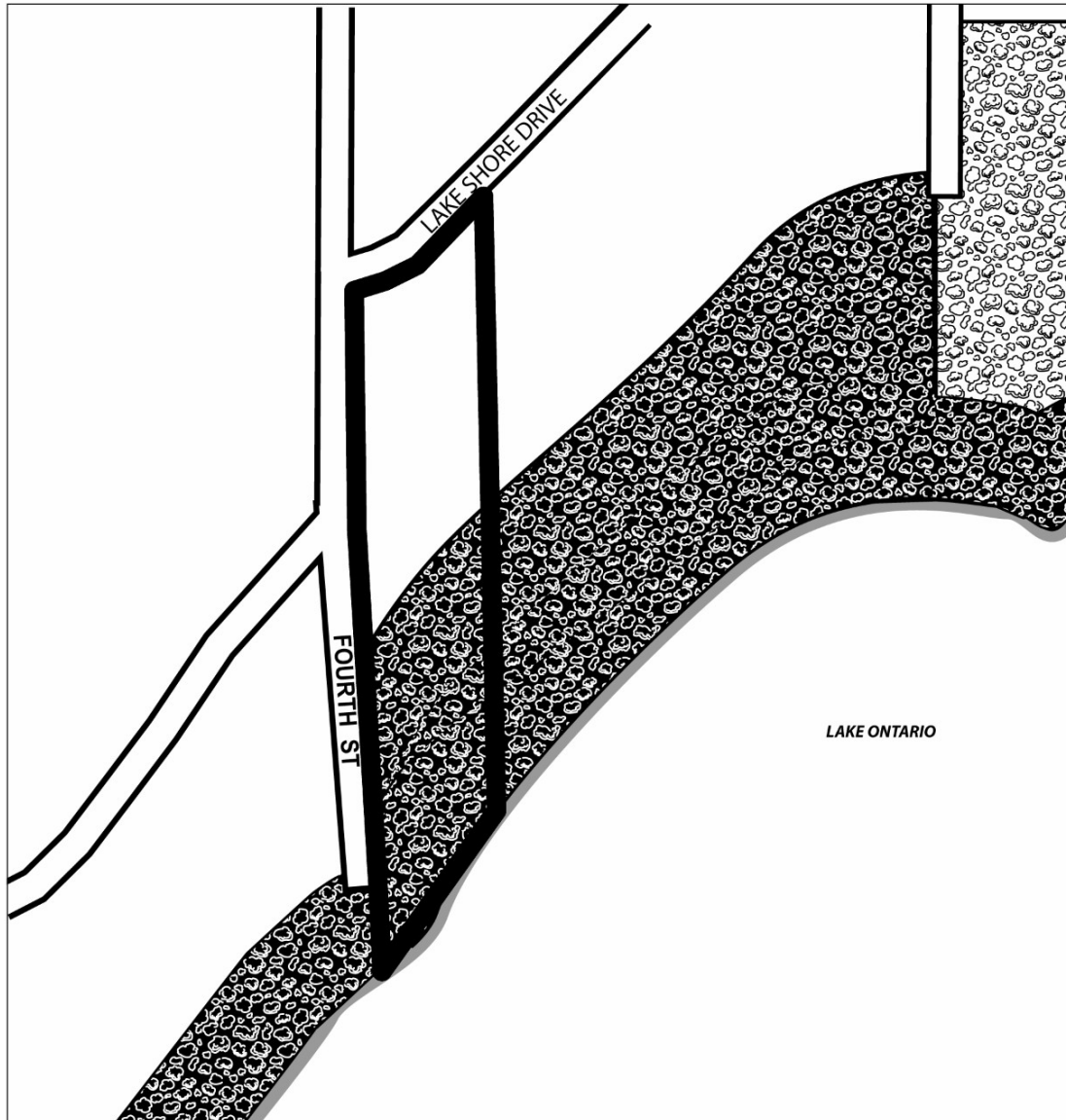
R2 Residential Second Density
R4 Residential Fourth Density
G Park

W Waterfront

Not to Scale
Former New Toronto Zoning By-law 2215 as amended
Extracted 10/02/08 - JM



Attachment 4: Official Plan




Toronto City Planning
Official Plan

51 Lake Shore Drive

File # 08_192870

 Site
 Neighbourhoods

 Natural Areas
 Parks


Not to Scale
10/06/2008

Attachment 5: Air Photo of Site



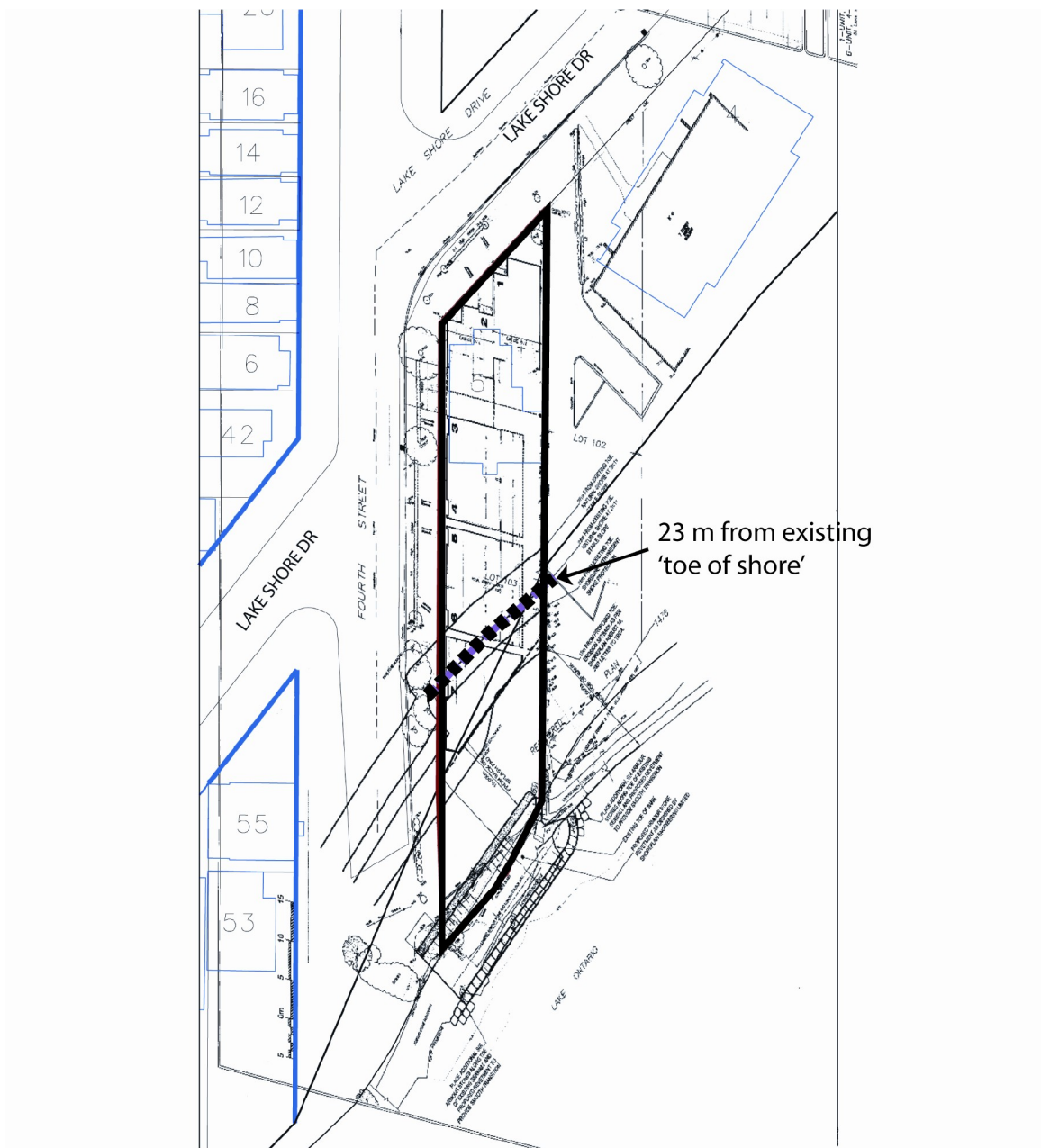
 **Toronto** City Planning
Aerial Photography

51 Lake Shore Drive

Not to Scale
10/01/08 

File # 08_192870

Attachment 6: Natural Hazard Limit



Site Showing Natural Hazard Limit

51 Lake Shore Drive

Not to Scale
09/28/09



File # 08_192870

Attachment 7: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning and Site Plan Application	Application Number:	08 192870 WET 06 OZ
Details	OPA & Rezoning, Standard	Application Date:	08 192900 WET 06 SA August 12, 2008

Municipal Address: 51 LAKE SHORE DRIVE

Location Description: PL 1478 LT103 **GRID W0606

Project Description: Proposed official plan amendment and rezoning applications and site plan approval for the development of 6 semi-detached dwelling units and 1 single detached dwelling.

Applicant:	Agent:	Architect:	Owner:
DUNPAR DEVELOPMENTS			DUNPAR DEVELOPEMNTS LTD

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods and Natural Areas	Site Specific Provision:	By-law No. 3754
Zoning:	R2 and G District	Historical Status:	
Height Limit (m):	9.5 m in R2 Zone	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	1,176	Height:	Storeys:	4
Frontage (m):	22.25		Metres:	14.1
Depth (m):	74.68			
Total Ground Floor Area (sq. m):	476.62			Total
Total Residential GFA (sq. m):	1,908.42		Parking Spaces:	14
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	1,908.42			
Lot Coverage Ratio (%):	61.05			
Floor Space Index:	1.62			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	1,908.42	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	7	Institutional/Other GFA (sq. m):	0	0
Total Units:	7			

CONTACT:	PLANNER NAME:	Greg Hobson-Garcia, Planner
	TELEPHONE:	(416) 394-2615