

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

<b>Date:</b>	May 22, 2009
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 6 – Etobicoke-Lakeshore
<b>Reference Number:</b>	08 192870 WET 06 OZ and 08 192900 WET 06 SA

### SUMMARY

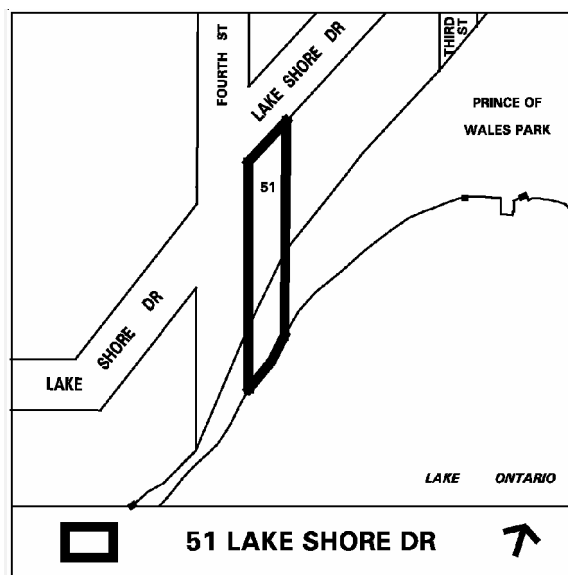
The purpose of this report is to advise Community Council that applications to amend the Official Plan and the former City of Etobicoke Zoning Code for 51 Lake Shore Drive have been appealed to the Ontario Municipal Board and to seek authority for staff to report directly to the City Council meeting of July 6 and 7, 2009 to establish the City's position.

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.

### RECOMMENDATIONS

**The City Planning Division recommends that:**

1. Etobicoke York Community Council instruct the Chief Planner and Executive Director, City



Planning Division to report directly to City Council at its meeting of July 6 and 7, 2009 in order to establish the City's position at the upcoming Ontario Municipal Board hearing.

### **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, 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. 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 dwelling units proposal.

### **Proposal**

The revised proposal as noted above is to permit the construction of six semi-detached dwelling units and one single detached dwelling unit. 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.

### **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. 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 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.

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.

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 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.

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*. Lands within the *Green Space System* should be protected, improved and added to whenever feasible. Lands in the *Green Space System* function to:

- i) provide habitat for flora and fauna;
- ii) improve our environment by recharging groundwater, cleaning the air and water and limiting damage that might arise from flooding and soil erosion;
- iii) provide natural beauty and a variety of landscapes for reflection, contemplation and appreciation of nature;
- iv) offer opportunities for passive and active recreation, community gardens and environmental education; and
- v) offer unique tourism and entertainment destinations attracting visitors from across the region and elsewhere.

Residential development is prohibited in *Parks and Open Space Areas*.

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 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 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 development is proposed on or near lands shown as part of 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.

A review of the Natural Heritage Impact Study will be undertaken by City staff and the Toronto and Region Conservation Authority as part of the processing of this application.

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.

## **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 Zone does not permit a single family detached dwelling. The G 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 *Natural Areas* land use designations for the site, as well as, to recognize that the semi-detached dwelling units are not the “prevailing building type” in the neighbourhood. 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 has been circulated to other City Divisions and agencies for comment. Certain issues regarding the revised proposal have been identified and remain to be resolved. Additional issues may be identified from comments yet to be received. 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) archaeological assessment;
- g) deficiencies of information in support of the development and any further comment as identified by the TRCA;
- h) tree preservation; and
- i) addressing issues raised through community consultation and agency comments.

In order to comprehensively review this recently revised proposal, additional time is required. 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 dwelling units are an acceptable housing type in a Neighbourhoods designation. However, single and semi-detached dwelling units are prohibited in the *Parks and Open Space Areas-Natural Areas* designation, an area which is to be protected, restored and enhanced for natural features and functional purposes.

Since the site is adjacent to Lake Ontario, the revised development proposal has been circulated for review and comment to the Toronto Region and Conservation Authority (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 residential development by the TRCA. This will assist Planning staff to determine the extent to which development can occur on the site while also respecting Provincial Policy and Official Plan policies.

The site is partially located within a Regulated Area of the Lake Ontario Shoreline under Ontario Regulation 166/06. A permit from the TRCA is required to permit the proposed development.

In view of the foregoing issues, commentary to be received from other agencies on this current proposal and ongoing evaluation, Planning staff advise that it is premature to report to Community Council with a recommendation at this time. However, in view of the appeal of the Official Plan Amendment and Rezoning applications a report should be presented to City Council at its meeting of July 6 and 7, 2009 in order for City staff to obtain appropriate direction for attendance at the upcoming Ontario Municipal Board Hearing. An OMB hearing date has not yet been scheduled.

Staff are processing the applications in order to attempt to resolve the outstanding issues and will report directly to City Council prior to the Ontario Municipal Board Hearing.

### **Section 37**

The Official Plan contains provisions pertaining to the exchange of public benefits for increased height and density for new development pursuant to Section 37 of the *Planning Act*. City Planning staff, in consultation with the local Councillor, will be discussing with the applicant how these policies will be addressed by this application.

### **CONTACT**

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E-mail: ghobson@toronto.ca

### **SIGNATURE**

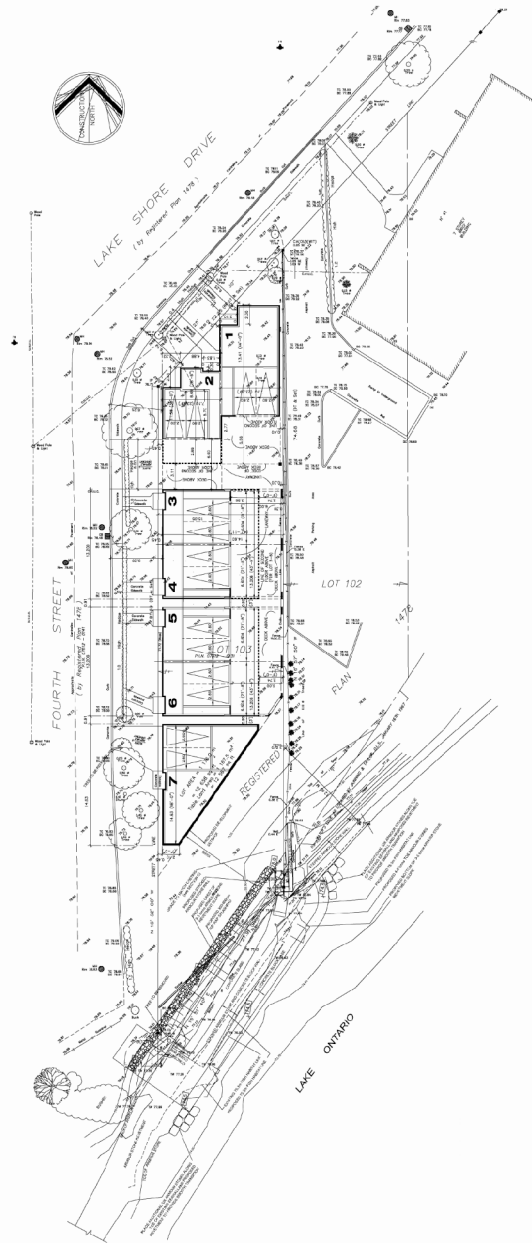
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Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Etobicoke York District

### **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Elevations  
Attachment 3: Zoning  
Attachment 4: Official Plan  
Attachment 5: Air Photo of Site  
Attachment 6: 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



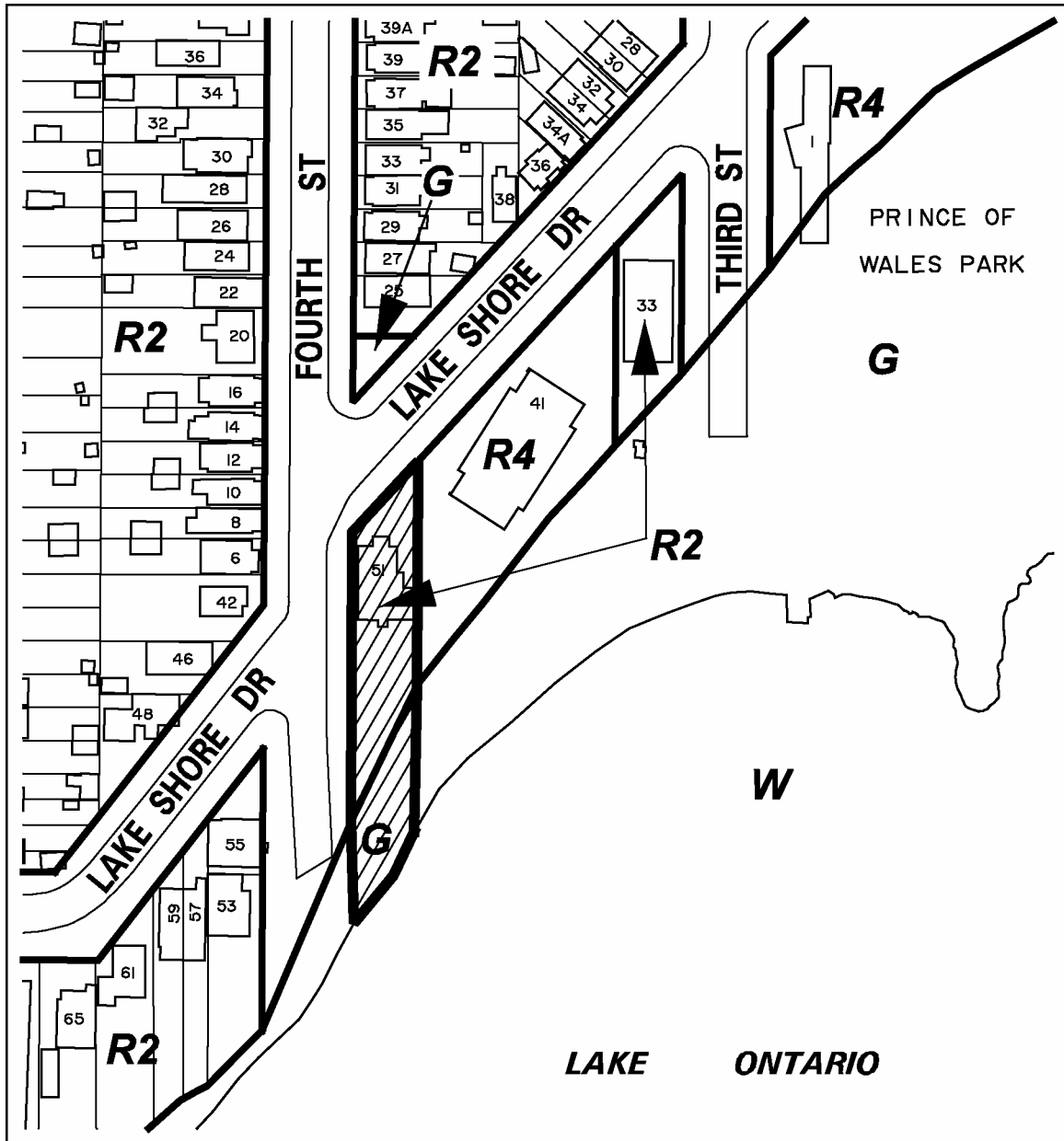
51 Lake Shore Drive

**Elevations**  
Applicant's Submitted Drawing

File # 08\_192870

Not to Scale  
05/19/09

### Attachment 3: Zoning



**Toronto** City Planning  
**Zoning**

**51 LAKE SHORE DR**

File # 08\_192870

Former New Toronto

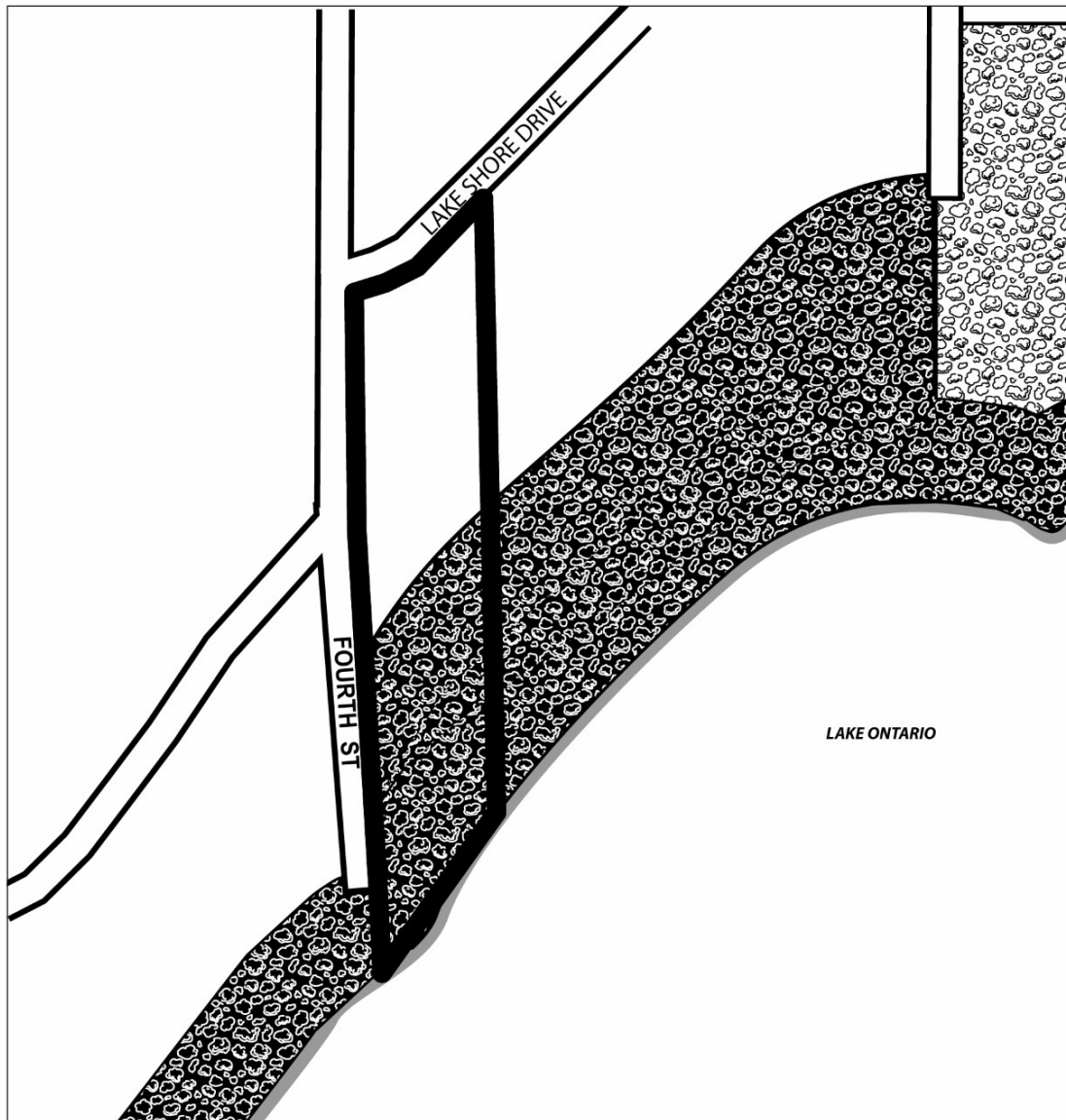
R2 Residential Second Density  
R4 Residential Fourth Density  
G Park

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: 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.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
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):	717.9			<b>Total</b>
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		<b>Above Grade</b>	<b>Below Grade</b>
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			

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