

**2183 Lake Shore Boulevard West - Official Plan
Amendment, Zoning By-law Amendment, Lifting of the
Holding (H) Symbol and Site Plan Control Applications -
Request for Direction Report**

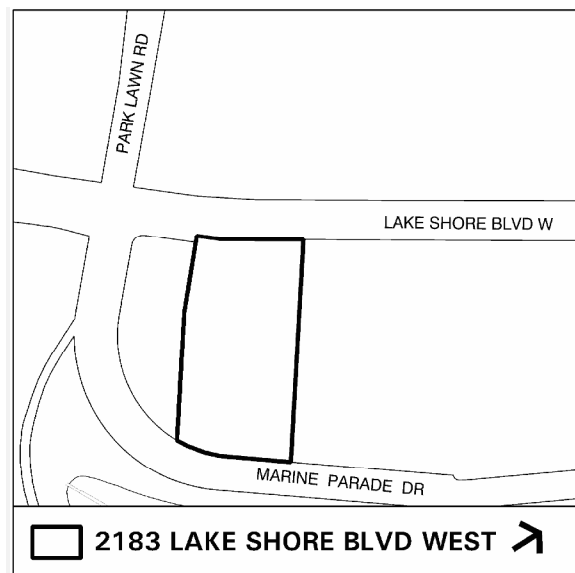
Date:	November 1, 2013
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 6 – Etobicoke-Lakeshore
Reference Number:	11 301234 WET 06 OZ 12 142282 WET 06 SA

SUMMARY

The purpose of this report is to seek City Council's instruction for an upcoming Ontario Municipal Board hearing which has been scheduled to commence on February 4, 2014.

The applicant has appealed its Official Plan and Zoning By-law Amendment applications, as well as the Site Plan Control application, to the Ontario Municipal Board (OMB) citing Council's failure to make a decision on the application within the time allotted by the *Planning Act*. A pre-hearing conference was held on August 20, 2013 and a further pre-hearing conference is scheduled for December 16, 2013. The full hearing will commence on February 4, 2014.

The applications before the OMB seek to permit the development of the lands, known municipally as 2183 Lake Shore Boulevard West, with two residential towers having heights of 46 and 66 storeys, rising from a six storey podium, containing a total of 1,285 residential units and 3,926 m² of commercial uses.



This report reviews and recommends refusal of the application to amend the Official Plan and Zoning By-law, as well as the Site Plan Control application.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse Official Plan Amendment and Zoning By-law Amendment Application Number 11 301234 WET 06 OZ and Site Plan Control Application Number 12 142282 WET 06 SA for the following reasons:
 - (a) the proposal does not comply with of a number of development criteria in the Official Plan and Secondary Plan;
 - (b) the proposal does not comply with regulations in the Etobicoke Zoning Code, as amended, including set-backs and height;
 - (c) the proposal does not comply with the Council-approved Humber Bay Shores Urban Design Guidelines; and
 - (d) the proposal would result in unacceptable impacts , both on-site and on abutting lands, including shadowing and wind.
2. City Council authorize the City Solicitor and appropriate City staff to attend the Ontario Municipal Board to oppose the applications.
3. City Council authorize the City Solicitor and appropriate City staff, in consultation with the Ward Councillor, to attempt to secure appropriate services, facilities, public art contributions or matters pursuant to Section 37 of the *Planning Act*, should the proposal be approved in some form by the Ontario Municipal Board.
4. City Council authorize the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning and other City staff to take any necessary steps to implement the foregoing.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The site is located within the Humber Bay Shores Development Area (also known as the Motel Strip). The site is governed by the Motel Strip Secondary Plan and a portion of the Humber Bay Shores Site Specific Zoning By-law 1994-197. Both governing documents establish land uses and development standards, and the by-law contains Holding Provisions that must be satisfied prior to the lifting of the Holding (H) symbol to allow the underlying land use and zoning to come into effect.

The Holding (H) symbol was placed on the zoning of all lands in the former Motel Strip and approved by the Ontario Municipal Board in accordance with the Secondary Plan and Motel Strip Urban Design Guidelines. The Holding (H) symbol permitted the existing motels to remain but ensured the orderly redevelopment of this area through the review and approval of detailed technical studies and agreements related to traffic and servicing matters. The Holding (H) symbol precludes most forms of development until a by-law to lift the Holding (H) symbol on individual properties is passed by City Council.

The criteria used to lift the Holding (H) symbol is found in Schedule "F" of Zoning By-law 1994-197. The two remaining outstanding matters to be addressed relate to servicing (entering into a Core Infrastructure Agreement) and traffic (updating the previously approved AECOM traffic study for the area).

Once the Core Infrastructure Agreement has been signed by the Humber Bay Shores Landowner's Group and registered on title, and the recently submitted revised AECOM Humber Bay Shores Mixed-Use Developments Traffic Impact Study has been reviewed and accepted by Transportation Services and Transportation Planning staff, Planning staff will be in a position to report to Etobicoke York Community Council recommending that the Holding (H) symbol in Zoning By-law 1994-197 be lifted. Both these matters are imminent.

In July 2008, City Council adopted the Humber Bay Shores Urban Design Guidelines Update and Public Realm Plan. This document replaced the former Motel Strip Urban Design Guidelines for this area, and recommended new initiatives that are more in keeping with Council-endorsed policies such as the Design Criteria for the Review of Tall Building proposals. Among many directives, these guidelines address built form relationships of taller buildings to the public realm, local streets and block patterns.

In June 2009, Council directed staff to undertake a City-initiated Official Plan Amendment to incorporate the changes to the internal road system recommended in the Humber Bay Shores Urban Design Guidelines Update and Public Realm Plan. Further, a "Precinct Plan" was developed in consultation with the land owners and the City to ensure a coordinated road network, street and block pattern, servicing and grading for the area.

A Final Report endorsing the Precinct Plan was presented to Etobicoke York Community Council on May 25, 2010 and adopted by City Council on June 8, 2010. This document can be found at:

<http://www.toronto.ca/legdocs/mmis/2010/ey/bgrd/backgroundfile-30012.pdf>

ISSUE BACKGROUND

Original Proposal

The previous owner submitted a preliminary development concept to the City. This concept was taken before the City's Design Review Panel ("Panel") in March 2010 for

review and comment. The concept included two 50-storey residential buildings and three (10-12 storey) residential buildings, containing a total of 965 residential units, as well as commercial space along Lake Shore Boulevard West and Marine Parade Drive. The comments provided by the Panel identified building massing, relationship with the street and public realm, appropriate heights, separation distances between the towers, vehicular circulation, parking and community facilities as matters requiring further review.

Development Application Submission

Empire Developments submitted development applications proposing two residential towers with overall heights of 40 storeys and 62 storeys, rising from a nine-storey podium. The proposal contained a total of 1,178 residential units, commercial uses on the ground floor and 1,312 parking spaces in a 5 level underground parking structure. The total gross floor area was 88,979 m² resulting in a Floor Space Index of 5.9 times the area of the lot.

The current proposal consists of two residential buildings with overall heights of 46 storeys (150.4 m) for Building "B" and 66 storeys (205.25 m) for Building "A" with a six-storey podium connection that rises to fourteen and fifteen storeys in an arc between these buildings (see Attachments 2a, b and c: Elevations). The tower portion of both buildings has a floor plate size of 750 m². The floor plate sizes range from 811 m² to 1,671 m² within the arc shaped connection between Buildings "A" and "B" above the podium. The proposal contains 1,285 residential units (including 9 guest suites) and 3,926 m² of non-residential (commercial) uses on the ground and second floors. The commercial space is located in a four storey building (2 storey commercial with high ceilings) fronting Lake Shore Boulevard West and on the ground floor along Marine Parade Drive.

The table below outlines building heights and number of units in the various proposals.

	First Preliminary Submission – Design Review Panel March 2010	Application Submission October 2011	Current Proposal
Height (storeys)	50 – Building A 50 – Building B	62 – Building A 40 – Building B	66 – Building A 46 – Building B
Units	965	1,178	1,285

Parking would be provided in a 5 level underground structure having a total of 1,380 parking spaces. The total gross floor area is approximately 93,226 m² and the Floor Space Index (FSI) is 6.15 times the area of the lot.

A new public right-of-way having a width of 16.5 m, Street 'D', is proposed on the northerly edge of the subject property and would extend from Lake Shore Boulevard West to Marine Parade Drive with a T-intersection at the terminus of Street 'C' (see

Attachment 1). All vehicular access to on-site parking and the pick-up / drop-off areas would be via Street 'D'.

A landscaped courtyard between the two residential buildings is proposed to include a water feature, paths, benches and variety of plantings, as well as providing a pedestrian connection through the middle of the site. This publically accessible landscaped open space would connect to and frame a new public park on adjacent lands located south of the property owned by the Toronto and Region Conservation Authority (TRCA) and under management by the City of Toronto. Empire Developments is proposing to design and build the abutting public park to the south subject to TRCA approvals.

The Application Data Sheet in Attachment 5 provides additional information on the proposal.

Site and Surrounding Area

The subject property has a total area of 1.51 ha with approximately 84 m frontage on Lake Shore Boulevard West, 92 m frontage on Marine Parade Drive, and an average depth of 175 m. The site is generally rectangular in shape. The site is presently vacant and slopes gently downwards from Lake Shore Boulevard West to Marine Parade Drive.

The subject site is surrounded by the following land uses:

North: Previously the Shore Breeze Motel which has been demolished. A site plan application has been submitted to construct a 38-storey, mixed-use condominium development.

South: Esso Gas Station and vacant lands owned by TRCA.

East: Across Marine Parade Drive, is a public park and waterfront trail system linked to the Humber Bay Park, with Lake Ontario beyond.

West: Across Lake Shore Boulevard West is the Mondelez property, referred to as the Mr. Christie's Bakery site, and its related parking and loading areas. There is also a small commercial building containing a bank, on the northwest corner of Park Lawn Road and Lake Shore Boulevard West.

Provincial Policy Statement and Provincial Plans

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

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to

grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject lands have a dual designation. Map 15 – Land Use Plan identifies the west side of the site, abutting Lake Shore Boulevard West as *Mixed Use Areas* while most of the site, east of the *Mixed Use Areas*, is designated *Parks*. The land area is also identified on Map 2 – Urban Structure as a *Green Space Area*.

The development criteria in *Mixed Use Areas* include, but are not limited to:

- creating a balance of high quality commercial, residential, institutional and open space uses that reduce automobile dependency and meets the needs of the local community;
- providing for new jobs and homes for Toronto's growing population on underutilized lands;
- locating and massing new buildings to provide a transition between areas of different development intensity and scale;
- locating and massing new buildings to frame the edges of streets and parks;
- providing an attractive, comfortable and safe pedestrian environment;
- providing good site access and circulation and an adequate supply of parking for residents and visitors;
- locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- providing indoor and outdoor recreation space for building residents in every significant multi-residential development.

While *Mixed Use Areas* are intended to absorb much of the City's new employment and residential development, not all *Mixed Use Areas* are expected to experience the same scale or intensity of development. Surrounding context and built form considerations will inform the extent of development.

As noted above, the Official Plan designates a majority of the site as *Parks* on Map 15 – Land Use Plan. Development is generally prohibited within *Parks* except for recreational and cultural facilities, cemetery facilities and conservation projects. TRCA and Parks and Recreation staff have advised that the portion of the subject lands designated *Parks* are not city owned lands. They are privately owned lands and are not intended for any future public park or City acquisition.

The Built Form policies (Policy 3.1.2) identify the importance of urban design as a fundamental element of City building. These policies are intended to minimize the impacts of new development and guide the form of new buildings to fit within their local and City-wide contexts. They require that new development:

- be located and organized to fit with its existing and/or planned context;
- frame and support adjacent streets, parks and open spaces;
- locate and organize vehicular and service areas in such a way to minimize their impact and to improve the safety and attractiveness of adjacent streets, parks and open spaces;
- be massed and its exterior façade be designed to fit harmoniously into its existing and/or planned context and to limit its impact by, among other things, creating appropriate transitions in scale as well as adequately limiting the resulting shadowing and wind conditions on neighbouring streets, properties and open spaces;
- be massed to define edges of streets, parks and open space in good proportion;
- provide amenity for adjacent streets and open spaces for pedestrians; and
- provide indoor and outdoor amenity space for residents.

Official Plan Policy 3.1.3.2 refers to Tall Building proposals and how they should address key urban design considerations. Subsections b) and c) refer to demonstrating how a proposed Tall Building and site will contribute to and relate to the overall City structure and to the existing and/or planned context.

The site is also on an *Avenue*, as shown on Map 2 – Urban Structure of the Official Plan. Section 2.2.3 of the Plan specifies that *Avenues* are "important corridors along major streets where re-urbanization is anticipated and encouraged to create new housing and job opportunities, while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents."

The Plan specifies that *Avenues* will be transformed incrementally. They will change building-by-building over a number of years. The framework for new development on each *Avenue* will be established through an Avenue Segment Study, resulting in appropriate zoning and design guidelines created in consultation with the local community. The implementing zoning by-law will set out the mix of uses, heights, densities, setbacks and other zoning standards.

While an Avenue Segment Study would normally be contemplated for the subject proposal, the Humber Bay Shores Urban Design Guidelines Update and Public Realm Plan provide appropriate contextual direction, therefore eliminating the need for additional study at this time.

Motel Strip Secondary Plan

The western portion of the site is subject to the Motel Strip Secondary Plan (Chapter 11), as amended. The rest of the site is not located within the Secondary Plan area.

Secondary Plans establish local development policies to guide growth and change in a defined area with respect to building heights, number of units, total permitted GFA, road networks and public realm conditions. The minimum right-of-way width of Internal Road No. 7 (Street "C") is 23 m on Map 11-2 of the Secondary Plan. The proposed

Street "D" abutting the subject property on the north side is not in the Motel Strip Secondary Plan.

The Secondary Plan designates the proposed non-residential block fronting Lake Shore Boulevard West as *Mixed Use Areas "B"*. The maximum density provided for is 3.0 times the lot area. *Mixed Use Areas "B"* are intended to provide for a range of commercial uses as an area of transition between the existing industrial use west of Lake Shore Boulevard West and residential uses within *Mixed Use Areas "A"*.

The Motel Strip Secondary Plan also allows for a density transfer from the designated portion of a submerged patented waterlot (see Attachment 6) subject to the following criteria:

- (a) the waterlot area from which density is to be transferred lies within the limit of density transfer shown on Map 11-3 of the Secondary Plan (see Attachment 6); and
- (b) the transfer is to the abutting existing land area.

The subject site does not have a waterlot associated with it.

Humber Bay Shores Urban Design Guidelines Update and Public Realm Plan

In July 2008, City Council adopted the Humber Bay Shores Urban Design Guidelines Update and Public Realm Plan. This document replaced the former Motel Strip Urban Design Guidelines, and recommended new initiatives that are more in keeping with Council endorsed policies such as the Design Criteria for the Review of Tall Building proposals. These Guidelines address built form relationships of taller buildings to the public realm, local streets and block patterns.

Zoning – Holding (H) Symbol

A Holding (H) symbol was placed on all properties located within Site Specific By-law 1994-197 south of Brooker's Lane, including the subject site. The western portion of the subject site abutting Lake Shore Boulevard West is zoned Limited Commercial Holding (CL-H). The Holding (H) symbol precludes most forms of development on these lands until it is lifted by a By-law.

The rest of the property is zoned Fourth Density Residential (R4) in the former City of Etobicoke Zoning Code which permits a range of uses from single detached homes to apartments having a maximum height of 14 m. This (R4) zone has been in existence prior to the OMB approving By-law 1994-197.

On May 9, 2013, City Council enacted a new City-Wide Zoning By-law (By-law 569-2013), which is now under appeal to the Ontario Municipal Board. The subject lands do not form part of By-law 569-2013 and remain subject to the former City of Etobicoke

Zoning Code as the subject applications were submitted prior to the enactment of this By-law.

The Limited Commercial Holding (CL-H) zone permits a broad range of commercial uses, including retail shops and services, restaurants, offices and various institutional uses.

The Holding (H) symbol indicates that lands zoned (CL-H) cannot be used for purposes permitted by the (CL-H) zone until the Holding (H) symbol is lifted. The following uses are permitted on lands zoned (CL-H) prior to the lifting of the Holding (H) symbol:

1. Temporary access, surface parking, temporary parks and recreational facilities.
2. Temporary sales office with associated parking.
3. Renovation, expansion and interim redevelopment of hotels and motels.

The maximum height permitted in the Limited Commercial Holding (CL-H) zone is 14m.

In 2009, when the Precinct Plan was created for Humber Bay Shores, it was determined that instead of providing individual studies for individual development applications, a master plan and/or agreement could be undertaken collectively for the entire Humber Bay Shores Area, such as the revised AECOM Traffic Impact Study and Core Infrastructure Agreement. The Core Infrastructure Agreement and revised Traffic Impact Study are the remaining criteria within Site Specific By-law 1994-197 to lift the Holding (H) symbol.

At the time of writing this report, the Core Infrastructure Agreement had not been signed by the Humber Bay Shores Landowner's Group and the revised AECOM Traffic Study had only recently been submitted to the City (October 30, 2013).

Site Plan Control

The proposed development is subject to site plan control. An application for Site Plan Control Approval has been submitted and has been appealed to the Ontario Municipal Board.

Reasons for Application

An amendment to Map 15 – Land Use Plan of the Official Plan and amendments to Maps 11-1, 11-2, 11-3 and 11-4 within the Motel Strip Secondary Plan are being sought to implement this proposal, including re-designating the *Parks* portion of Empire Developments' lands to *Mixed Use Areas* and to include the entire site within the Secondary Plan.

A Zoning By-law Amendment application is required to lift the Holding (H) symbol and to permit building heights in excess of 14 m on the property. In addition, the proposed buildings do not comply with other zoning standards that are in effect on the lands.

Ontario Municipal Board Appeal

On May 14, 2013 the City Clerk's Office received notification that the applicant filed an appeal of the Official Plan and Zoning By-law Amendment application to the Ontario Municipal Board, citing Council's failure to make a decision on the application within the time allotted by the *Planning Act*. On August 23, 2013, the applicant appealed the Site Plan Control application, again citing Council's failure to approve the site plan drawings in the time allotted by the *Planning Act*. The full hearing will commence on February 4, 2014.

Community Consultation

A community consultation meeting was held on March 26, 2012 and was attended by approximately 125 residents. Issues raised at the meeting and submitted on comment sheets distributed at the meeting include:

1. Proposed height/density of the buildings. The proposed development is too high and too dense.
2. Additional shadows will be cast onto existing buildings in Humber Bay Shores and the adjacent public parks.
3. Additional traffic on Lake Shore Boulevard West and Park Lawn Road with particular reference to the current road capacity.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the applications.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2005) includes policies to manage and direct land use to achieve efficient development and land use patterns. Municipal planning decisions are required to be "consistent with" the PPS. The PPS promotes wise management of change and promotes efficient land use and development patterns. Efficient land use and development patterns support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth.

The PPS promotes intensification and redevelopment opportunities through a more compact built form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. Although the PPS encourages intensification, it also refers to the wise management of change and promotion of healthy, liveable communities. This proposal does not represent appropriate intensification in its context as the proposed massing, built form and density exceeds the proposed and approved developments in the immediate area.

The Growth Plan for the Greater Golden Horseshoe guides decisions on a wide range of issues such as transportation, infrastructure planning, land-use planning, urban form, housing, natural heritage and resource protection. City Council's decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Under the Growth Plan, the site meets the definition of a *Built Up Area* on Schedule 2, is located in proximity to several *Improved Higher Order Transit* lines such as the 501 Queen Street streetcar and the Lake Shore West GO rail line.

Appropriate redevelopment and intensification of this site would be consistent with the intent of the Growth Plan for the Greater Golden Horseshoe. However, as described below the proposed built form is not consistent with the built form policies contained within the City's Official Plan, which the Growth Plan and the PPS refers to as the most important vehicle for implementing this Provincial Policy. Staff are supportive of redevelopment of the site in a manner that is consistent with the objectives of the Growth Plan, however the built form must be appropriate within its existing and planned contexts.

Design Review Panel

The current proposal was reviewed by the City's Design Review Panel on January 23, 2013. The link to the minutes of the meeting is found below:

http://www.toronto.ca/planning/2013/agendas/pdf/drp_minutes_23jan13.pdf

The Panel recommended that key aspects of the proposed development should be redesigned. The Panel recommended that further design work was needed to improve the relationship of the built form being proposed relative to its existing and approved context.

The Panel suggested that the proposed heights were verging on "over tall", and that the "jump in scale over existing and approved heights was undesirable". Panel members noted the distinct lack of transit available to support the existing residential population, not to mention the additional density that would come through this project. Similar concerns were also raised about the ability of the public realm to adequately accommodate the resultant density. Additional concerns were raised about the massing of the proposed base buildings that have "no definition and the resulting scale leads to an uncomfortable pedestrian environment" (also microclimate and the effect upon pedestrian amenity).

The question of what this proposal was adding to the neighbourhood in terms of liveability was a recurring concern throughout the Panel's discussion. When considered as part of the contextual "bigger picture", Panel members recognized the potential negative impacts that could arise in terms of precedent because it could establish a new datum height. Members further questioned why additional height would be contemplated, and whether the subject site should be considered a gateway.

Built Form, Density and Height

Redevelopment in *Mixed Use Areas* should demonstrate an appropriate form of development in terms of height, density and urban design to ensure the general amenity of the surrounding area is not negatively affected. New development should appropriately frame existing streets and parks and minimize the negative impact of wind, shadows and views on future residents of the proposed development and its neighbours.

The proposed development has excessive heights which are not in keeping with the area context, oversized floor plates and overscaled base buildings. This condition would result in unacceptable shadow, wind and view impacts in addition to overwhelming massing. The proposal does not fit the planned context as envisioned in the Humber Bay Shores Urban Design Guidelines.

Over the past several years, eight development applications have been submitted in the Humber Bay Shores area south of Brooker's Lane (see Attachment 7). Five of these have been approved by Council. Each development contributed to a consistent pattern of development, consistent densities, and a built form that is in accordance with the Humber Bay Shores Urban Design Guidelines. In particular, these developments included:

- 1) a Tall Point Tower;
- 2) a "Mid-Rise Terrace" building (7 to 14 storeys); and
- 3) a 3-5 storey building directly fronting Lake Shore Boulevard West.

The current proposal contains two Tall Point Towers which is not consistent with the Humber Bay Shores built form context. The current proposal does not contain a "Mid-Rise Terrace" building or a similar built form condition fronting Lake Shore Boulevard West. The approval of two tall buildings on this site would break the consistent development pattern established by recent approvals which had regard for the Council adopted Humber Bay Shores Urban Design Guidelines.

The current proposal includes oversized base buildings at 6 storeys and oversized floorplates from the 7th floor to 15th floor on "Building A" (66-storey tower) and from the 7th floor to the 14th floor on "Building B" (46-storey tower). The floorplates range in size from 811m² to 1,671m². The maximum floor plate size outlined in the Humber Bay Shores Urban Design guidelines is 750 m². To be consistent with existing approvals in the immediate area, the tower base buildings should be reduced to 5 storeys in height along Marine Parade Drive.

The proposed based building spans over the terminus of "Street C" with a relatively small opening for the public to view and enter the South Park from this development. A more generous opening would be appropriate for a development of this magnitude to improve light, access and view. The preference would be to provide a separation between the proposed buildings with no bridging as has been consistently achieved elsewhere in Humber Bay Shores.

Context

Table A below provides a comparison of building height, units, floor plate size and density between the subject proposal and the other development sites south of Brookers Lane within Humber Bay Shores:

TABLE A

ADDRESS	FLOOR PLATE SIZE – TOWER (M ²)	GROSS FLOOR AREA (M ²) IN RESIDENTIAL COMMERCIAL	FSI	COUNCIL APPROVED	BUILDING HEIGHT (STOREYS)	UNITS
68 MARINE PARADE DRIVE	743	30,714 1,121	4.7	YES	30	344
2143 LAKE SHORE	743	61,196 3,935	3.24	YES	56 16 5	808
2151 LAKE SHORE	750	50,662 1,991	6.3	YES	49 14 3	622
2157 LAKE SHORE	743	39,010 3,357	4.38	YES	39 10	516
2161-2165 LAKE SHORE	743	52,170 3,968	5.0	NO	49 14 4	660
2169 LAKE SHORE	743	32,262 1,476	3.0	NO	41 5 3	462
2175 LAKE SHORE	743	26,000 1,500	6.42	YES	38 3	370
2183 LAKE SHORE	750 TO 1,671	89,300 3,926	6.15	N/A	66 46	1,285

It is evident a majority of the developments in the immediate vicinity of the subject site have heights, floor plate sizes and number of units that are much lower than the proposed application. For example, 2143 Lake Shore Boulevard West and 68 Marine Parade Drive have similar lot areas but much lower densities.

Several of the above noted development sites were subject to a density transfer from waterlots as part of the 1994 OMB decision. A waterlot does not form part of the subject site and it is therefore not eligible for density transfers.

The subject site is the largest parcel of undeveloped land and represents the southerly terminus of the Humber Bay Shores area. The Palace Pier development represents the northerly terminus of the Humber Bay Shores area. Both these sites create a physical and visual gateway to the Humber Bay Shores community. As a result of their prominent location, these sites provide an opportunity to develop iconic buildings.

The Palace Pier development containing two point towers has a height of 50 storeys. Other sites with point towers in the Humber Bay Shores area have varying heights ranging from 30 to 56 storeys. The current proposal which seeks two tall buildings have heights of 46 and 66 storeys reflects the applicants desire to create a landmark development as a gateway to this community.

Recent approvals in the area have resulted in a consistent built form typology of "Mid-Rise Terrace" buildings (7 to 14 storeys) and Tall Point Towers that have implemented the Humber Bay Shores Urban Design Guidelines. While the site has significant redevelopment potential, the current proposal with two large point towers and base buildings with oversized floor plates is not reflective of the context that has been established in the Humber Bay Shores area. Staff are of the opinion this site can accommodate a development which is consistent with the Humber Bay Shores Urban Design Guidelines while framing the south part of the Humber Bay Shores area with a development that is still iconic in design and provides for a gateway for this community.

Wind Impacts

The wind study conducted by Gradient Microclimate Engineering Inc. concluded that pedestrian comfort requirements would not be met with the current proposal. It also concluded the wind conditions resulting from the current proposal should be mitigated to improve comfort either by landscape and architectural elements, or by massing revisions. Some of the key findings of the study include:

North Park (2175 Lake Shore Boulevard West – north of subject property)

The study indicates that should the current proposal be constructed, the environment in this park would not be comfortable for sitting or standing at any time of the year. In addition, there would be wind conditions affecting pedestrian comfort for walking which would not be acceptable. Specifically,

- In the spring and winter, the park would be uncomfortable for walking. It would be comfortable for walking only around the perimeter.
- In the summer and fall, the park would be comfortable for walking only (not for standing or sitting).

The wind study also states that the "presence of any similarly massed development occupying the subject property would contribute to the formation of accelerated wind flows". If there are no landscaping measures that can mitigate these conditions, different

massing is required including lower tower and podium heights and increased building stepbacks and setbacks.

There are three development sites around the North Park including the subject site at 2183 Lake Shore Boulevard West, 2175 Lake Shore Boulevard West (where the North Park is located) and 2169 Lake Shore Boulevard West which is north of the park. The wind study submitted for the site at 2169 Lake Shore Boulevard West showed that there would be failures in the North Park for walking in the spring and winter after the addition of the 2183 Lake Shore Boulevard West proposal. The study also showed standing was comfortable in the summer and the addition of the 2183 Lake Shore Boulevard West proposal created conditions suitable for walking only. All three applicants are required to provide comfortable and safe conditions in the park.

Staff are of the opinion the proposal for 2183 Lakeshore Boulevard West should be revised to improve the unacceptable wind conditions on the North Park and achieve acceptable comfort levels.

South Park (abutting the subject property to the south)

The study states that should the current proposal be constructed, comfortable wind conditions would result in the summer for sitting in the park in the eastern area only. In the spring, the park would only be comfortable for walking (no standing or sitting) and would experience the worst conditions of the year. In the winter, the park would be comfortable for walking and standing. In the fall, the park would be comfortable for standing and walking.

Privately-Owned Publicly Accessible Open Space on Subject Site

Based on the proposed design and massing, the pedestrian climate in this area would not be comfortable for sitting at any time of the year. In the summer and fall, it would be comfortable for standing only. In the spring and winter months, only walking would be comfortable.

Pedestrian Gap under the 'Bridge'

As presently designed, this area would not be comfortable for sitting at any time of the year. In winter, spring and fall, only walking would be comfortable. In summer, walking would be comfortable with comfortable standing conditions possible near the entrance on the east side of the site.

Outdoor Amenity Areas

As presently designed, the proposed amenity space on levels 5 through 7 would experience multiple locations where it would not be comfortable to sit during the summer. This should be mitigated so that these areas can be well-used. Spring and fall conditions for levels 5, 6 and 7 are generally suited only for walking.

The report indicates that mitigation measures are required to achieve comfortable conditions in all parks, open space and amenity areas within the site and in the immediate vicinity of the subject site. Staff are of the opinion that an alternate building massing is the most appropriate method to improve these conditions.

Shadow

Shadowing impacts are important as they affect thermal comfort (enjoyment) of being outside. In the case of a park, shadows affect passive park use. Shadows are impacted by the size and shape of building floorplates, height, setbacks as well as the time of year and angle of the sun. Drawings have been submitted illustrating the extent of shadowing that would result from the proposed development for March 21 and September 21, as required by City guidelines.

The applicant has submitted a Shadow Analysis that indicates the proposed 66-storey and 46-storey buildings would create unacceptable shadowing on neighbouring properties designated *Mixed Use Areas* and *Parks* during the March/September equinox.

The shadow drawings show unacceptable shadowing on the North Park, Waterfront Park and Privately Owned Publicly Accessible Open Space on the subject site. More specifically, the currently proposed two towers would result in the following shadow impacts:

North Park

The proposed buildings would cast shadows on the majority of the North Park throughout the afternoon from 12:18 p.m. to 6:18 p.m. during both March and September. Combined with the wind conditions noted above, the utility of this park would be impacted.

Waterfront Park

The proposed buildings would shadow Waterfront Park on the east side of Marine Parade Drive from 3:18 p.m. to 6:18 p.m. during March and September. The five previous approvals noted earlier in this report provide gaps between the towers thereby providing relief from shadowing. The proposed two towers cumulatively would shadow a large expanse of this park without a gap.

Privately - Owned Publicly Accessible Open Space on Subject Site

The proposed development would cast shadows on the majority of this privately owned publically accessible space from 1:18 p.m. to 6:18 p.m. resulting in little afternoon sunlight. The resulting wind and shadow conditions for the privately owned publically accessible space would be unacceptable.

Site Servicing

The Humber Bay Shores Landowner's Group was formed to co-ordinate the completion of various technical documents including the Core Infrastructure Agreement with respect to servicing in this area.

At the time of writing this report, the owners are in the process of finalizing and entering into a Core Infrastructure Agreement with the City for the Humber Bay Shores area. The Core Infrastructure Agreement outlines a proportionate cost sharing arrangement between landowners for the cost of municipal roads, road improvements, services and any upgrades required to support development within the Humber Bay Shores area. The municipal works are based on the Precinct Plan which has been accepted by Engineering and Construction Services and Transportation Services staff. Should the Core Infrastructure Agreement not be finalized and registered on title, the servicing of the subject lands could become an issue at the Ontario Municipal Board hearing.

Traffic

Transportation Services staff have advised that no additional development should be approved on this site beyond the development levels shown for the property in the AECOM traffic report provided in 2009. Specifically, staff requested that "the applicant revise the "Humber Bay Shores Mixed-Use Developments, Traffic Impact Study" prepared by AECOM, dated November 2009, to include all revised development data for the properties identified in the November 2009 report."

The Humber Bay Shores Landowner's Group submitted a revised AECOM Traffic Study to the City on October 30, 2013. As such, Transportation Services and Transportation Planning staff have not had an opportunity to review this report. Therefore, the issue of traffic could become an issue at the Ontario Municipal Board hearing.

At its meeting of November 27, 2012 City Council directed staff to undertake a comprehensive Transportation Master Plan for the Park Lawn Road/Lake Shore Boulevard West area, given the announcement by Mondelez Canada that it would close the Mr. Christie's plant in the last quarter of 2013. At its meeting of September 20, 2013 Public Works and Infrastructure Committee received a staff report for information on the scope, timing and costs of the comprehensive Transportation Master Plan. The report indicated that the study will be led by staff with support from outside consultants, will commence in 2014 and is expected to be completed within the year.

Open Space and Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. The site is in the second highest quintile of current provision of parkland, as per Map 8B/C of the Official Plan. The site is in a parkland priority area, as per Alternative Parkland Dedication Rate By-law 1020-2010.

The application proposes 1,285 residential units and 3,926 m² of commercial space on a site of 1.5 ha. At the alternative rate of 0.4 ha per 300 units specified in By-law 1020-2010, the parkland dedication would be 1.57 ha or more than the entire site area. The proposal is subject to a cash-in-lieu cap of 15% of the value of the development site, net of any conveyances for public road purposes. The residential component of the development would generate a parkland requirement of 2,231 m² while the commercial component would generate a parkland requirement of 5 m². The combined parkland dedication requirement would be 2,236 m².

Parks, Forestry and Recreation staff have requested that the applicant satisfy the parkland dedication requirement through cash-in-lieu. Due to the design of the development, an unencumbered park would be difficult to achieve. The subject property is also located in close proximity to Humber Bay Shores Park.

The actual amount of cash-in-lieu to be paid would be determined at the time of issuance of the building permit, should the development be approved.

Section 37

Section 37 of the *Planning Act* allows the City to authorize increases in density and/or height in return for the provision of services, facilities or matters. The Official Plan contains provisions authorizing Section 37 matters, provided the density and/or height increase are consistent with the objectives of the Official Plan regarding built form and physical environment.

Given the proposed increase in height and density, this development proposal would be subject to the Section 37 policies of the Official Plan. Discussions regarding Section 37 benefits between the applicant and the City did not occur as there was no agreement on what is considered to be an appropriate development for the site. However, as this matter has been appealed to the OMB, the City Solicitor would need to address Section 37 matters in the event the OMB is inclined to approve this development. This report therefore recommends that the City Solicitor and appropriate staff be authorized to attempt to secure appropriate services, facilities, public art contributions or matters pursuant to Section 37 of the *Planning Act*, in consultation with the Ward Councillor, if a development is approved for the site.

Conclusion

The current proposal does not conform to Official Plan policies relating to massing and built form, shadowing and wind impacts. As currently proposed, the development is out of scale and design for the Council approved built form context within Humber Bay Shores and represents an over development of this site.

One of the key objectives for staff when assessing this development proposal has been to attempt to maintain the consistent Tall Point Tower, "Mid Rise Terrace" building (7 to 14

storeys) and 3 to 5 storey commercial building massing prevalent in Humber Bay Shores to be consistent with the Humber Bay Shores Urban Design Guidelines and create appropriate built form and height relationships between other adjacent buildings and along Marine Parade Drive.

The key issues with this development include:

- Its scale is out of proportion in its area context;
- Wind impacts;
- Shadow impacts;
- Servicing (subject to the Core Infrastructure Agreement being signed and registered on title); and
- Traffic (subject to the appropriate review of the recently submitted AECOM Traffic Study).

Development can be supported at this location, provided it is has a built form that conforms to the area context, provides an appropriate transition of scale, comfortable shadow and wind conditions, and provides compatible physical relationships between developments. In staff's opinion, the proposed building heights, scale and site layout fails to achieve this. As such, staff are recommending the applications in their current form be refused by City Council and appropriate staff be directed to attend the Ontario Municipal Board to oppose the applications.

This report also recommends that the City Solicitor attempt to secure appropriate services, facilities or matters including a public art contribution pursuant to Section 37 of the *Planning Act*, should the proposal be approved in some form by the Ontario Municipal Board.

CONTACT

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SIGNATURE

Neil Cresswell, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2a: North Elevation

Attachment 2b: South Elevation

Attachment 2c: East and West Elevations

Attachment 3: Zoning

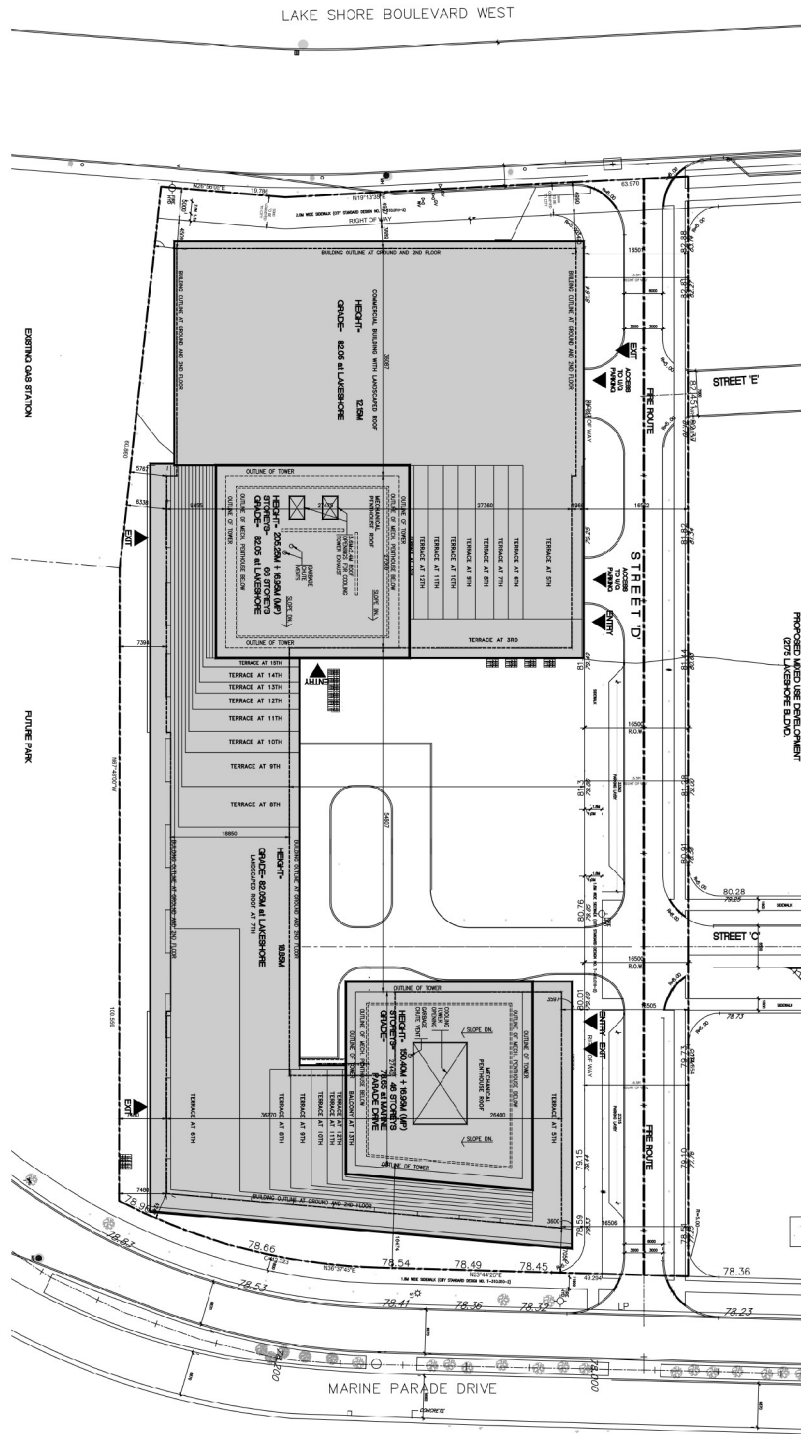
Attachment 4: Official Plan

Attachment 5: Application Data Sheet

Attachment 6: Map 11-3, Motel Strip Secondary Plan

Attachment 7: Humber Bay Shores Context Map

Attachment 1: Site Plan



2183 Lake Shore Boulevard West

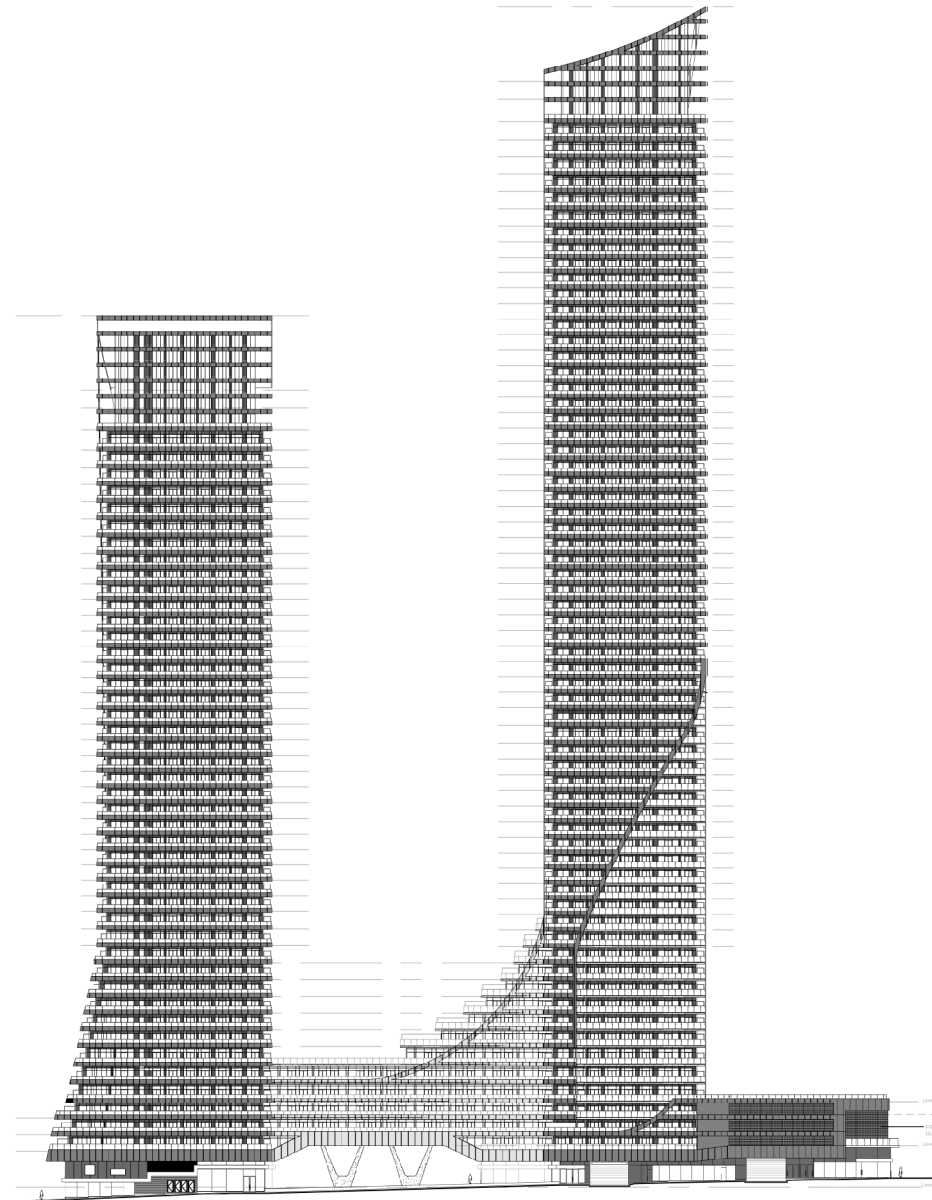
Site Plan
Applicant's Submitted Drawing

File # 11 301234 WET 06 02
File # 12 142282 WET 06 SA

Not to Scale
10/11/13



Attachment 2a: North Elevation



North Elevation

Elevations

Applicant's Submitted Drawing

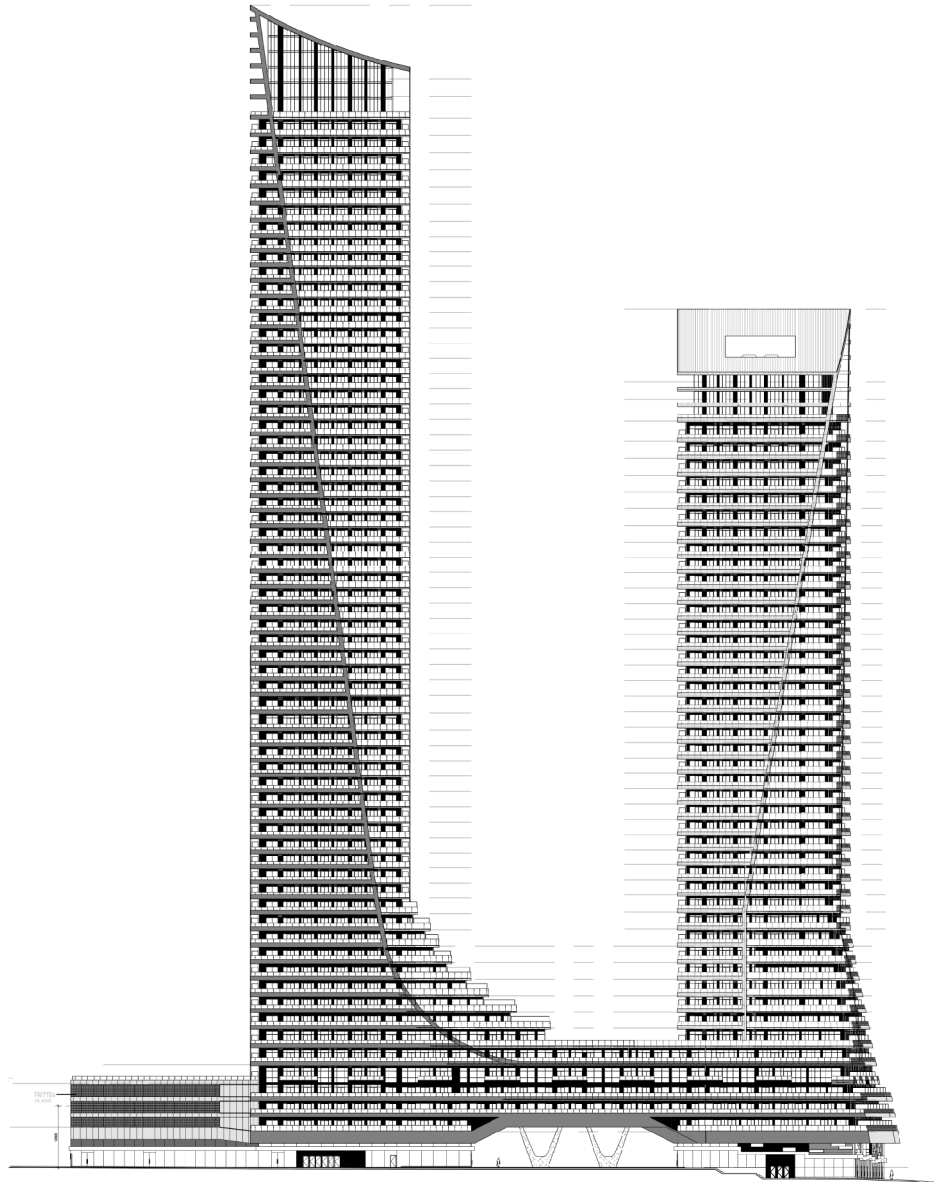
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10/11/13

2183 Lake Shore Boulevard West

File # 11 301234 WET 06 OZ

File # 12 142282 WET 06 SA

Attachment 2b: South Elevation



South Elevation

Elevations

Applicant's Submitted Drawing

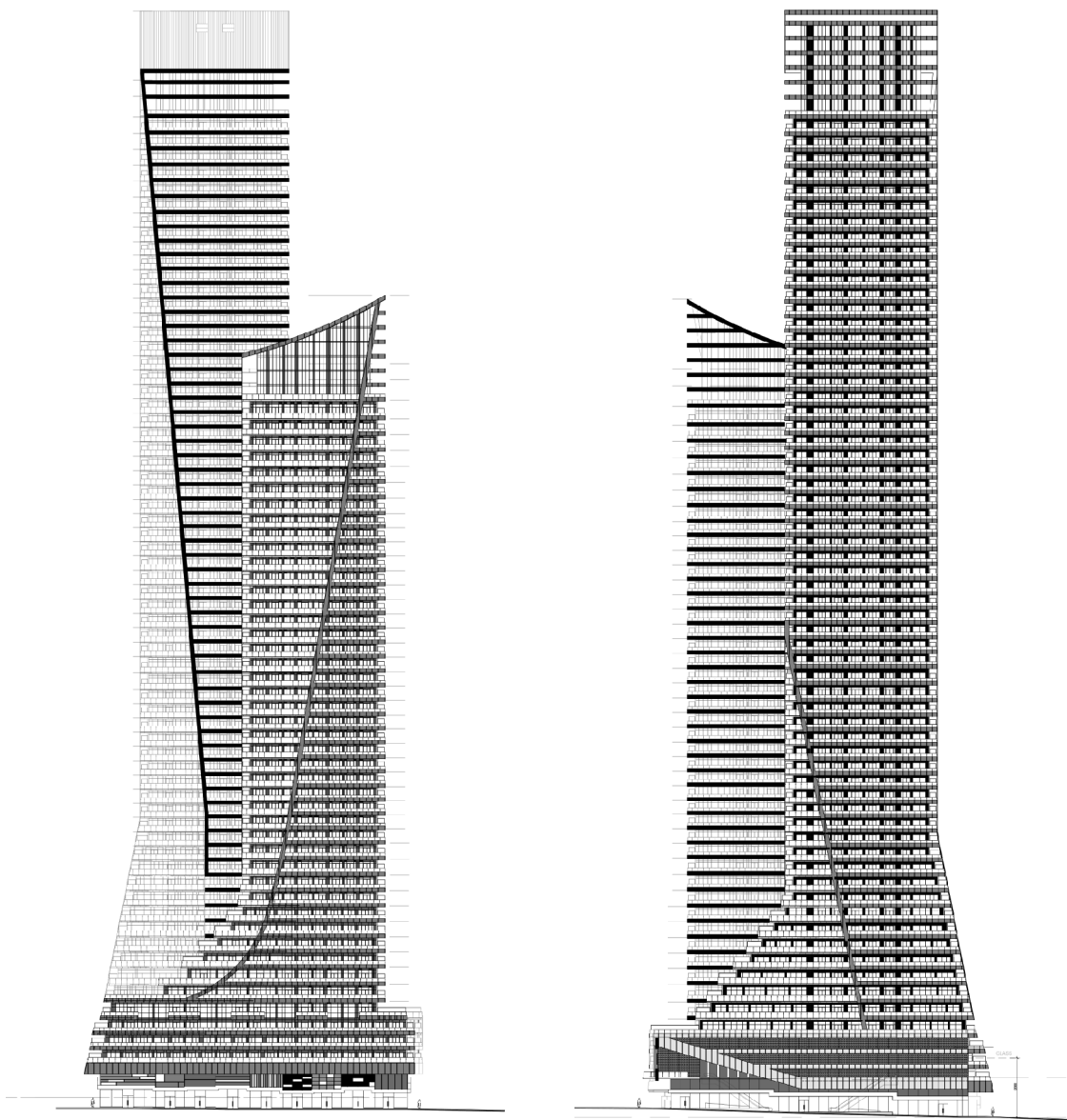
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10/11/13

2183 Lake Shore Boulevard West

File # 11 301234 WET 06 OZ

File # 12 142282 WET 06 SA

Attachment 2c: East and West Elevations



East Elevation

West Elevation

Elevations

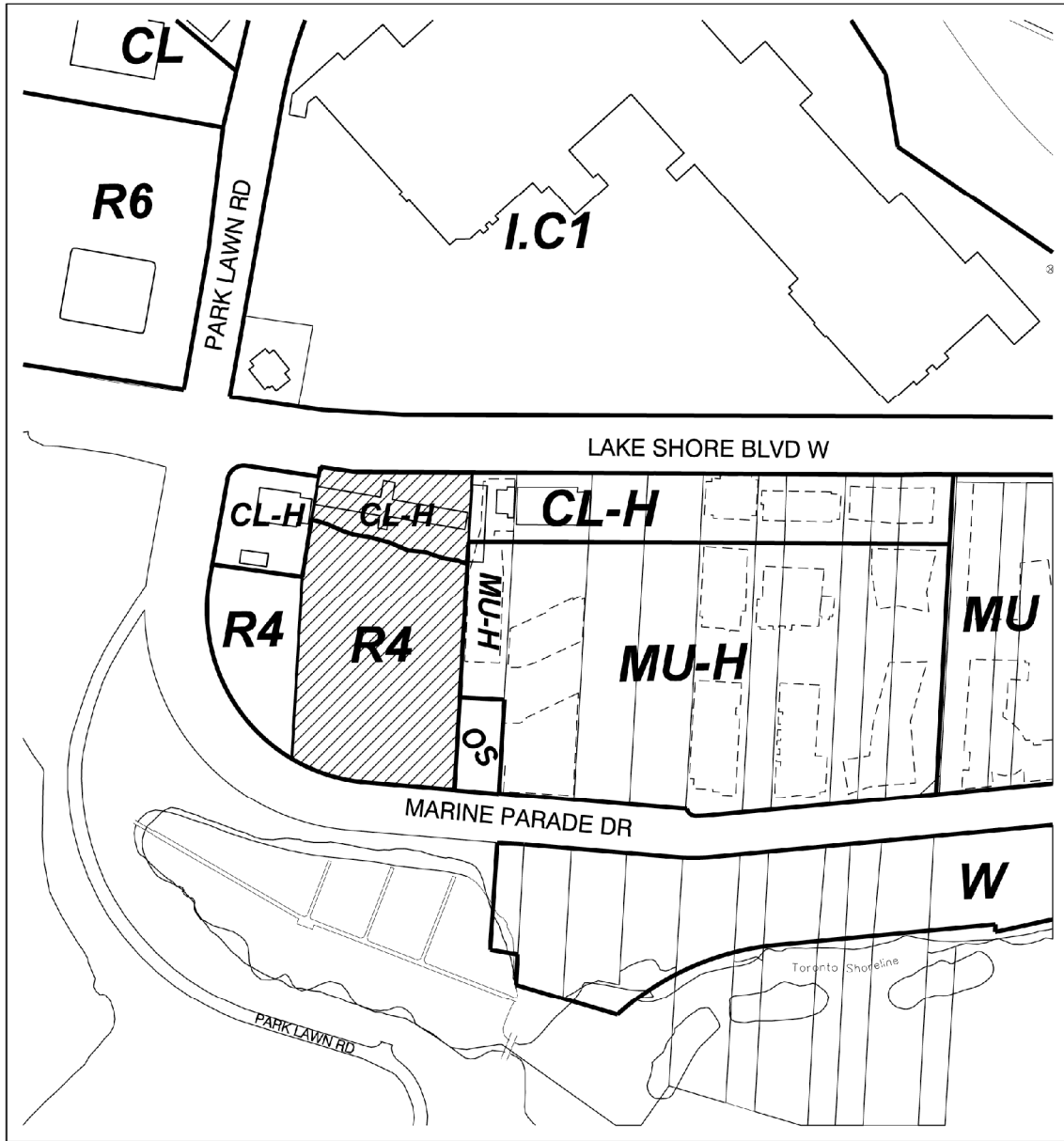
Applicant's Submitted Drawing

Not to Scale
10/11/13

2183 Lake Shore Boulevard West

File # 11 301234 WET 06 OZ
File # 12 142282 WET 06 SA

Attachment 3: Zoning



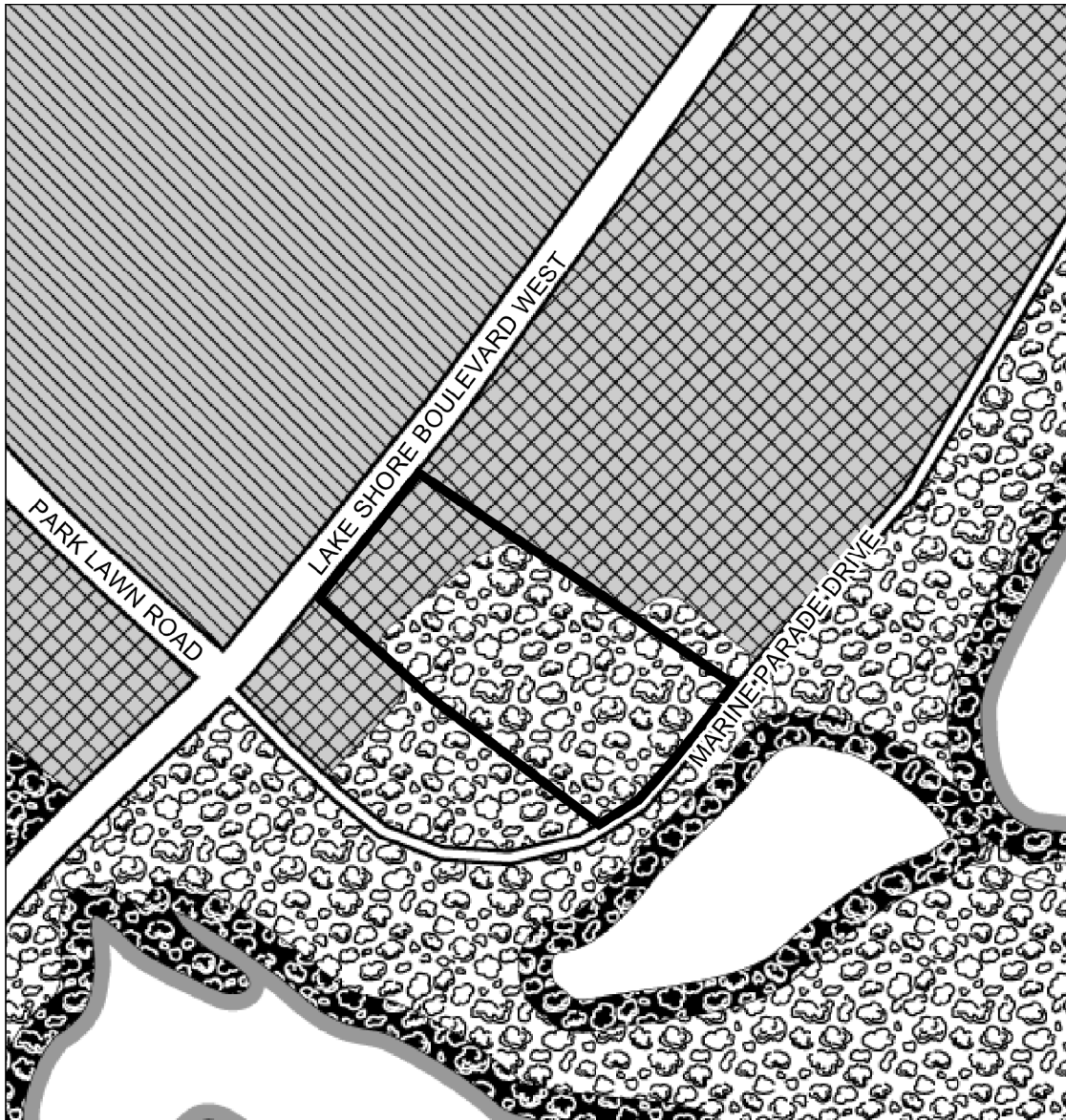
2183 Lake Shore Boulevard West

File # 11 301234 WET 06 02

R4 Residential Fourth Density	CL Commercial Limited	Development Applications
R6 Residential Sixth Density	MU Mixed Use	
I.C1 Industrial Class 1	W Waterfront	
OS Public Open Space	(H) Holding District	

Not to Scale
Zoning By-law 11,737 as amended
Extracted 10/11/13

Attachment 4: Official Plan



Toronto City Planning
Official Plan

2183 Lake Shore Boulevard West

File # 11 301234 WET 06 OZ

File # 12 142282 WET 06 SA

- | | |
|--|---|
|  Site Location | Parks & Open Space Areas |
|  Mixed Use Areas |  Natural Areas |
|  Employment Areas |  Parks |

↑
 Not to Scale
 10/11/2013

**Attachment 5:
APPLICATION DATA SHEET**

Application Type	Official Plan Amendment & Rezoning Amendment	Application Number:	11 301234 WET 06 OZ 12 142282 WET 06 SA
Details	OPA & Rezoning, Standard	Application Date:	October 28, 2011

Municipal Address: 2183 LAKE SHORE BOUEVARED WEST
 Location Description: PLAN 1176 PT LOT 29 PT BED OF LAKE ONTARIO FRONT OF RANGE D LOT E RP 66R17043 PARTS 1 TO 4 **GRID W0608
 Project Description: To construct two residential buildings at 66 and 46 storeys with commercial retail at-grade.

Applicant:	Agent:	Architect:	Owner:
Armstrong Hunter and Associates 156 Duncan Mills Road, Toronto, ON, M5T 1R5	Same as applicant	Zeidler Architects 315 Queen Street West Toronto, ON M5V 2X2	Empire Communities 125 Villarboit Crescent Vaughn, ON, L4K 4K2

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	By-law 1994-97
Zoning:	R4	Historical Status:	No
Height Limit (m):	14m	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	15149.7	Height:	Storeys:	66 and 46
Frontage (m):	84		Metres:	205.5
Depth (m):	175			
Total Ground Floor Area (sq. m):	N/A			Total
Total Residential GFA (sq. m):	89300		Parking Spaces:	1380
Total Non-Residential GFA (sq. m):	3926		Loading Docks	3
Total GFA (sq. m):	93226			
Lot Coverage Ratio (%):	37.2			
Floor Space Index:	6.15			

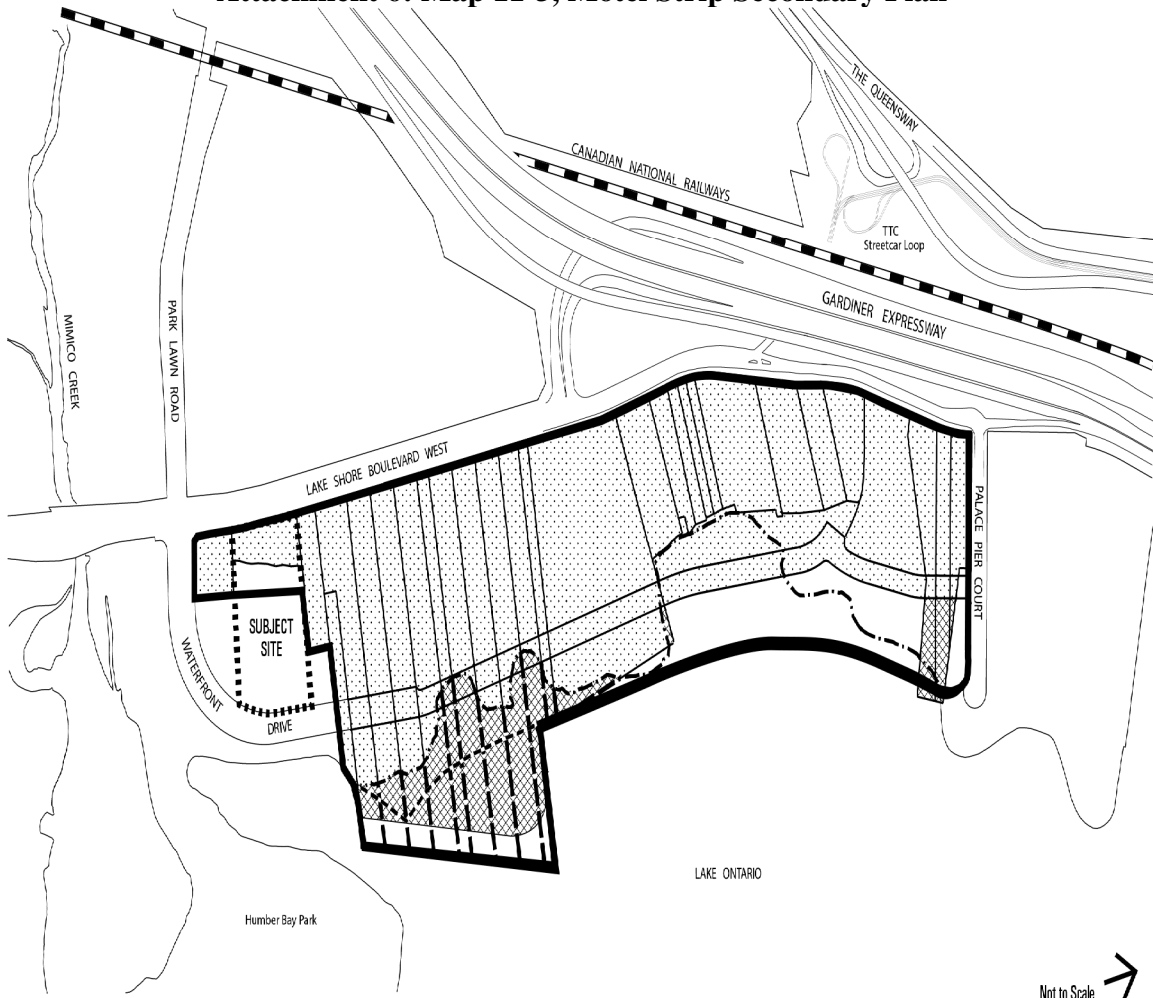
DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo Tenure		Above Grade	Below Grade
Suites:	9	Residential GFA (sq. m):	89300	0
Bachelor:	0	Retail GFA (sq. m):	3926	0
1 Bedroom:	805	Office GFA (sq. m):	0	0
2 Bedroom:	460	Industrial GFA (sq. m):	0	0
3 + Bedroom:	11	Institutional/Other GFA (sq. m):	0	0
Total Units:	1285			

CONTACT: PLANNER NAME: Michael Hynes, Senior Planner 416-394-8228

Attachment 6: Map 11-3, Motel Strip Secondary Plan



Motel Strip Secondary Plan

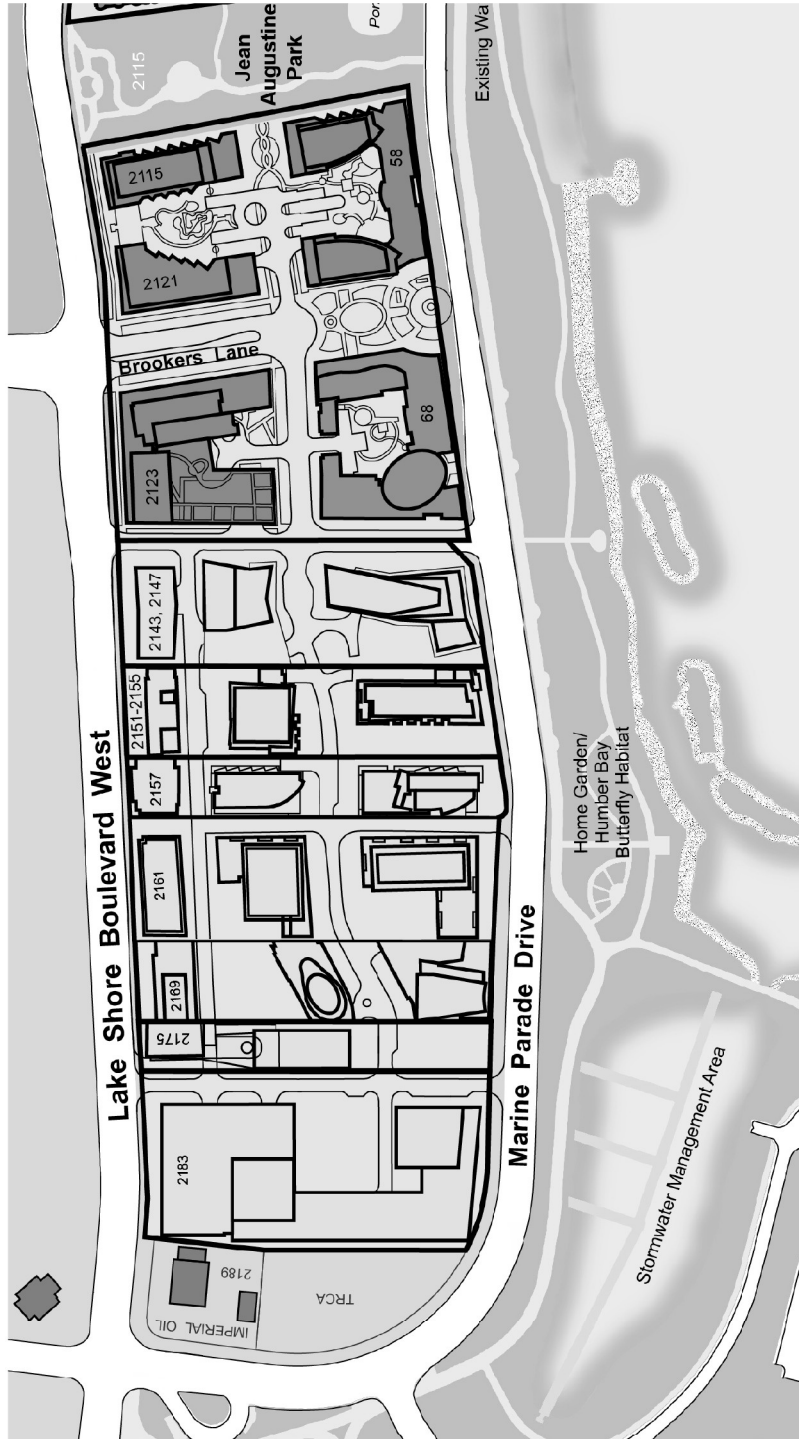
MAP 11-3 Development Limits

- Secondary Plan Boundary
- Existing Shoreline
- Water Lots (south of developable area)
- TRCA Approved Fill Line
- Limit of Qualifying Area (density transfer)
- Limit of Developable Area (including internal roads and local parks)

File # 11 301234 WET 06 02
File # 12 142282 WET 06 SA

June 2006

Attachment 7: Humber Bay Shores Context Map



2183 Lake Shore Boulevard West

Humber Bay Shores Context Map

File # 11 301234 WET 06 OZ
File # 12 142282 WET 06 SA

Not to Scale
10/29/13