

1926 Lake Shore Boulevard West - Zoning By-law Amendment Application - Request for Direction Report

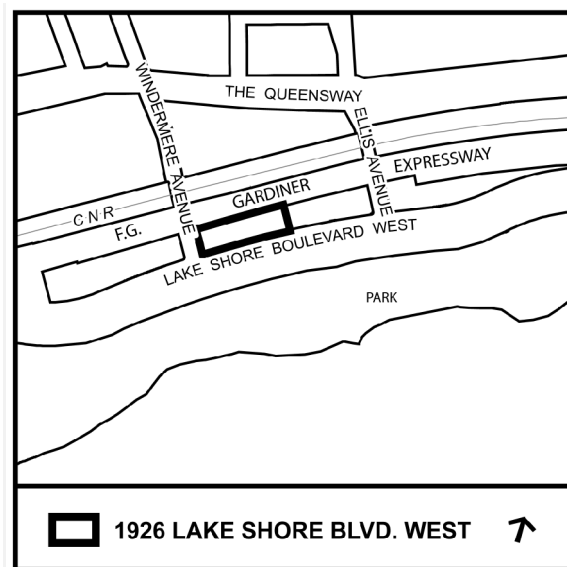
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| Date: | December 6, 2013 |
| To: | Etobicoke York Community Council |
| From: | Director, Community Planning, Etobicoke York District |
| Wards: | Ward 13 – Parkdale-High Park |
| Reference Number: | 13 125924 WET 13 OZ |

SUMMARY

The owner of the site at 1926 Lake Shore Boulevard West has appealed its Zoning By-law Amendment application to the Ontario Municipal Board (OMB) citing Council's failure to make a decision within the time required by the *Planning Act*. A Pre-Hearing Conference is scheduled for March 4, 2014, at which time a hearing date will be scheduled. The purpose of this report is to seek City Council's direction for the City Solicitor and appropriate City Staff to attend the OMB in opposition to the applicant's development proposal and appeal.

This application proposes to amend the former City of Toronto Zoning By-law 438-86 to permit the redevelopment of 1926 Lake Shore Boulevard West with two residential towers of 42 and 48 storeys connected by a 4 storey podium. The proposed development would contain 847 residential units and have a floor area of 77,840 m², representing a Floor Space Index (FSI) of 17.45 times the lot area.

The proposal is not supportable in its current form. The height and massing of the proposed 42 and 48 storey buildings would affect the use and enjoyment of the adjacent parklands through excessive shadowing and an inappropriate transition



in building heights and massing.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff to attend the Ontario Municipal Board hearing to oppose the appeal of the Zoning By-law Amendment application for 1926 Lake Shore Boulevard West, and to retain such outside experts as the City Solicitor may determine are required to support the position outlined in this report.
2. City Council direct the City Solicitor to request the OMB, in the event the OMB allows the appeal and permits the requested additional height or density to:
 - A) Secure the following community benefits as determined through consultation with the Ward Councillor's office and enter into an Agreement to secure these benefits, pursuant to Section 37 of the *Planning Act*:

A payment in the amount of \$2,600,000 (indexed to reflect increases in the Construction Price Statistics between the date of the OMB Order and the delivery of such payment), for the following:

- i) \$250,000 for restoration of stairs at Ormskirk Park;
 - ii) \$950,000 for capital improvements to High Park including but not limited to the restoration of the Howard Park Gates, restoration of the Colborne Lodge stairs and improvements to the public trails;
 - iii) \$100,000 to develop a BIXI bike station at Sir Casimir Gzowski Park; and
 - iv) \$1,300,000 for the provision of non-profit childcare facilities in the local area.
- B) As a legal convenience, secure the following in the Section 37 Agreement to support the development with timing and phasing of delivery to be determined:
- i) Applicant shall design and construct a 1.7 m wide municipal sidewalk along the north side of Lake Shore Boulevard West to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services and at no cost to the City;
 - ii) Applicant shall design and construct an increased eastbound left turn storage lane at the Lake Shore Boulevard West and Ellis Avenue intersection having a length of 110 m with a 30 m taper including the provision of financial securities to guarantee this work, all to the satisfaction of the Executive Director of Engineering and

- Construction Services and the General Manager of Transportation Services and at no cost to the City;
- iii) Applicant shall modify the traffic signal timing at the Lake Shore Boulevard West and Ellis Avenue intersection to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services and at no cost to the City; and
 - iv) Applicant shall grant in favour of the City a 5 m wide exclusive use surface and above-grade easement along the north property line for highway maintenance purposes to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services.

C) Withhold its Order approving the Zoning By-law Amendment until:

- a. The Owner has entered into an Agreement under Section 37 of the *Planning Act* to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning to secure appropriate public benefits and that the Section 37 Agreement has been registered on title; and
 - b. The OMB has been advised by the City Solicitor that the proposed Zoning By-law Amendment has been amended to include minimum bicycle parking space requirements, minimum loading space requirements and appropriate setbacks from the Gardiner Expressway as outlined in this report and is in a form satisfactory to the City.
3. City Council authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to the recommendations of this report.

Financial Impact

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

DECISION HISTORY

The Zoning By-law Amendment application was submitted February, 2013. A Preliminary Report on the application was considered by Etobicoke York Community Council on May 14, 2013. The Preliminary Report identified concerns with excessive height, scale and intensity of development including shadow impacts and compatibility with the physical character of the area. It is also noted the Official Plan Built Form policies and the Tall Building Design Guidelines would be used to assess the appropriateness of the proposed height, density and built form for the site.

Community Council directed City Planning staff to schedule a community consultation meeting with an expanded notice area, and that notice for the public meeting be given

according to the regulations of the *Planning Act*. The Preliminary Report is available at: <http://www.toronto.ca/legdocs/mmis/2013/ey/bgrd/backgroundfile-57846.pdf>

ISSUE BACKGROUND

Proposal

The proposal involves the demolition of an existing 5 storey hotel and the construction of two residential towers connected by a podium. The west tower would be 42 storeys in height (134.8 m) plus a mechanical penthouse (140.8 m). The east tower would be 48 storeys in height (153.4 m) plus a mechanical penthouse (159.4 m). The floor plate of each tower would be 768 m² and square in shape. The connecting podium would be 4 storeys and rectangular in shape.

A total of 847 dwelling units are proposed, with 368 units to be located in the west tower plus 24 units in its portion of the podium and 434 units to be located in the east tower plus 21 units in its portion of the podium. The proposed unit mix is 10 studio, 554 one bedroom and 283 two bedroom units. The gross floor area would be 77,840 m² representing a density of approximately 17.45 times the lot area.

The ground floor would contain two residential lobbies, indoor amenity space, vehicular access driveways and associated servicing areas. The remainder of the podium would contain dwelling units, indoor amenity space and parking spaces. Outdoor amenity space would be located on top of the podium.

The proposed podium generally covers the entire site; a 1.2 m setback is proposed along the west property line with the south and east setbacks being 0 m. A 3.5 m setback is proposed from the drip line of the Gardiner Expressway. The proposed towers would have the following property line setbacks; 9 m from the west, 5 m to the north, 17.0 m to the east and 5.5 m and 6.5 m setback from the south being Lake Shore Boulevard West. There would be a 30 m separation between the towers (27 m between the projecting balconies).

A total of 1,950 m² of indoor amenity space and 2,575 m² of outdoor amenity space is proposed. The indoor amenity space would be located on the ground floor of the podium and at the fifth floor of the two towers. The outdoor amenity space would be on the roof of the podium adjoining and directly accessible from the fifth floor indoor amenity areas.

There are two existing driveways from Lake Shore Boulevard West which are proposed to be slightly modified for the proposed development. The western driveway would lead to a circular drop off/pick up area within the ground floor of the building that would provide direct access to the two tower lobbies. Servicing and loading areas would also be within the ground floor of the proposed podium.

A total of 835 parking spaces are proposed, of which 654 would be below grade within 5 levels, 148 would be on the second to fourth floors of the podium and 33 would be

located on the ground floor of the podium. The parking would comprise 706 spaces for residents and 129 spaces for visitors. A total of 847 bicycle spaces are proposed.

The application has been slightly modified since the original submission in February 2013 with the key changes shown on the table below.

| | February 2013 Proposal | August 2013 Proposal |
|----------------------------|-----------------------------------|---------------------------------|
| Gross Floor Area | 78,600 m ² | 77,840 m ² |
| Density | 17.6 FSI | 17.45 FSI |
| Building Height | 42 and 48 stories | 42 and 48 stories |
| Dwelling Units | 847 | 847 |
| Parking Spaces | 861 | 835 |
| Indoor Amenity Space | 1,694 m ² | 1,950 m ² |
| Outdoor Amenity Space | 2,575 m ² | 2,575 m ² |
| Tower Setbacks | | |
| - between towers | 38 m | 30 m |
| - tower to west prop line | 10.2 m | 9 m |
| - tower to north prop line | 3.5 m | 5 m |
| - tower to east prop line | 15 m | 17 m |
| - tower to south prop line | 1.5 m | 5.5 m and 6.5 m |

Site and Surrounding Area

The site is approximately 0.45 ha in size and rectangular in shape. It functions as a corner lot with approximately 124 m frontage on Lake Shore Boulevard West and 35 m frontage on Windermere Avenue. However, there is an existing City-owned 3 m wide strip of land adjoining the west side of the site which separates the site from Windermere Avenue. The existing vacant 5 storey hotel on the site would be demolished.

Surrounding land uses are as follows:

- North: The Gardiner Expressway and CN/Metrolinx rail corridor, further to the north are two 28 and one 35 storey towers with additional townhouses (NXT development).
- South: Lake Shore Boulevard West and Sir Casimir Gzowski Park and Lake Ontario waterfront.
- East: Park Lane condominium development comprising two towers of 18 and 19 storeys connected by a 4 storey podium.
- West: Vacant City-owned property (City Council has approved its transfer to Build Toronto) on the west side of Windermere Avenue.

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 by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The property is designated *Mixed Use Areas* on Map 15, Land Use Plan of the Official Plan. *Mixed Use Areas* provide for a broad range of commercial, residential and institutional uses in single or mixed use buildings, as well as parks and open spaces and utilities. *Mixed Use Areas* are intended to accommodate new employment and residential development such as new office space, apartments or retail uses.

However, not all *Mixed Use Areas* are expected to experience the same scale or intensity of development. Surrounding context, built form considerations and the capacity of municipal infrastructure will inform the extent of development. This designation contains policies and development criteria to guide development and its transition between areas of different intensity and scale. In particular, Policy 4.5.2 includes development criteria, such as:

- locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Official Plan, through means such as providing appropriate setbacks and/or stepping down of heights;
- locating and massing new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces; and
- providing an attractive, comfortable and safe pedestrian environment.

Of particular relevance to this application is Chapter 2 of the Official Plan which sets out the Urban Structure of the City, develops the strategy for directing growth within this structure and establishes policies for the management of change, through the integration of land use and transportation planning. Policy 2.3.2 sets out the general framework for Toronto's Green Space System and Waterfront. Within this section, Policies 2.3.2.1 and 2.3.2.6 both refer to enjoyment of lands under public ownership and increased public enjoyment and use of lands along the water's edge. Also, Policy 2.3.2.7 refers to

development improving public spaces in the waterfront. This is expanded on by Parks and Open Spaces Policy 3.2.3.3 which refers to the effects of development from adjacent properties on parkland. More specifically, additional shadows, noise, traffic and wind generated by new development must be minimized to preserve parkland utility.

Chapter 3 of the Official Plan establishes the policy direction for guiding growth by integrating social, economic and environmental perspectives on the built, human and natural environment. 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 context. 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 spaces;
- provide amenity for adjacent streets and open spaces for pedestrians; and
- provide indoor and outdoor amenity space for residents.

Policy 3.1.3 addresses Tall Building proposals and how they should respond to key urban design considerations. In addition to addressing specific built form characteristics, the policy states that proposals for Tall Buildings must clearly demonstrate how they relate to the existing and planned context, taking into account their relationship with the topography and other tall buildings and how they meet the other objectives of the Official Plan.

Zoning

In accordance with the established protocol, the lands were excluded from the new City of Toronto Zoning By-law No 569-2013 as the lands were the subject of a complete Zoning By-law Amendment application prior to the passage of this Zoning By-law. The former City of Toronto Zoning By-law 438-86 continues to apply to the lands. The lands are zoned CR T2.0 R1.0. Apartment buildings are permitted uses in the CR zone. The permitted residential density is 1.0 times the area of the lot and the maximum height is 14 m. The site is also subject to Restrictive Exception 12(2)270, which restricts the amount of non-residential gross floor area on the lands to approximately 8,900 m².

Western Waterfront Master Plan

The Western Waterfront Master Plan, approved in 2009 by City Council, focuses on the public realm and more specifically re-imagines the Western Waterfront as a significant

new waterfront park featuring public beaches in addition to embracing its dual role as a destination and travel corridor. Key provisions include a 6 m wide pedestrian promenade along the north side of Lake Shore Boulevard West and improved cycling and pedestrian connections along Windermere Avenue. The Plan contains Key Principles including 5.1.1.1 which refers to increasing useable park space along the waterfront, 5.1.1.2 referencing improving the waterfront as a 'place' and 5.3.2.2 which refers to enhancing public use of the parkland.

Windermere Village Design Guidelines

Windermere Village is located directly north of the site on the other side of the Gardiner Expressway and CN/Metrolinx rail corridor. As such, most of the urban design guidelines for this area are not applicable to the application site. However, there are provisions that seek to preserve the Lake Ontario view corridor from Windermere Village and to improve the at-grade pedestrian route along Windermere Avenue to Lake Ontario that the proposal must satisfactorily address.

Tall Building Design Guidelines

At its meeting of April 11, 2013, Planning and Growth Management Committee recommended Council adopt the Tall Building Design Guidelines for use in evaluating tall building proposals. This recommendation was adopted by City Council on May 7, 2013:

<http://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

The Design Guidelines provide policy recommendations for tall buildings on issues such as building placement and orientation, entrances, massing of base buildings, tower floor plates, tower separation distances, pedestrian realm considerations and sustainable design and transition. The Guidelines ensure that tall buildings fit within their context and minimize their impacts. The Tall Building Design Guidelines are intended to be used in assessing the siting, massing and design of tall buildings and the associated public realm.

Design Review Panel

The proposal, being a tall, high density residential building adjacent to the waterfront, is significant and would typically be submitted to the City's Design Review Panel for review and comment. The pending OMB Hearing has pre-empted this process.

Site Plan Control

A Site Plan Control application is required for the proposal but has yet to be submitted.

Application Submission

The following reports/studies were submitted with the application:

- Planning and Urban Design Rationale
- Toronto Green Standard (TGS) Checklist
- Functional Servicing Report
- Transportation Study
- Arborist Report

- Shadow Impact Study
- Pedestrian Level Wind Assessment
- Railway Vibration Analysis
- Environmental Noise Feasibility Study
- Community Services and Facilities Study
- Draft Zoning By-law

A Notification of Complete Application was issued March 26, 2013.

Reasons for the Application

An application to amend the Zoning By-law is required to permit the proposed height and density, as well as to amend other applicable performance standards such as parking requirements and building setbacks.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating this application and comments have been incorporated into this report. Due to the timing of the appeals, certain outstanding technical requirements remain to be addressed to the satisfaction of City staff as outlined below. Accordingly, staff are recommending these outstanding requirements be secured in the Zoning By-law should the OMB issue any Order approving this appeal.

Community Consultation

A community consultation meeting was held September 25, 2013 to present revised plans submitted by the applicant. Approximately 90 residents were in attendance as well as the Ward Councillor. The issues raised at this meeting generally related to the proposed development being too tall, too dense and being unattractive in contributing to a wall of large developments facing the lake. Specific comments were:

Land Use

- need more retail/restaurant/café and community amenities
- retain the existing hotel
- too many condominium units in the area (cumulative effect of all waterfront projects)
- need to preserve the existing High Park character
- highest density of land use should not be on the waterfront, intensification should be on the *Avenues*

Transportation/Traffic

- not enough public parking in the area
- need a new GO station, downtown relief line and improved TTC service
- need improved pedestrian/cycling crossings/safety over Lake Shore Boulevard
- existing traffic problems on Windermere Avenue and Lake Shore Boulevard will be exacerbated
- traffic going east will make u-turns on Lake Shore Boulevard resulting in congestion problems

- potential problems with traffic during construction

Built Form

- want a pedestrian scale development
- height should be tapered/transition down to the waterfront
- maximum height suggestions ranged from 5 (existing) to 19-20 (adjacent development) to 32-38 storeys (NXT development to north)
- podium design incorporating parking is a problem
- will negatively impact Lake Ontario views, create a wind tunnel and result in light pollution

Shadows

- concern with shadow impacts on the park/waterfront, including on the existing playground and splash pad
- concern with shadows on the townhouses to north and the apartment buildings to the east

Other

- City needs to address infrastructure, built form/density and land use in this area
- existing problems of flooding on Windermere Avenue and Ellis Avenue, electrical power failures and inadequate maintenance of the underpass
- schools don't have capacity for additional students
- too much noise, dust and traffic congestion during construction
- proximity to the rail corridor and safety issues
- need more family sized units

COMMENTS

Staff have reviewed the proposed 42 and 48 storey buildings and are of the opinion the proposal lacks an appropriate transition in building height, scale and massing as required by the Official Plan and creates inappropriate shadowing impacts on surrounding lands. This proposal is not supportable in its current form.

Provincial Policy Statement and Provincial Plans

Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) identifies the Official Plan as the most important vehicle for implementing the PPS. The proposed development is located within a *Mixed Use Areas* designation, which is appropriate for intensification and redevelopment, subject to qualifiers.

Policy 1.1.3.4 of the PPS refers to appropriate development standards which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety. As outlined in greater detail below, the proposal represents an inappropriate scale of intensification at a location where a more moderate built form would better fit the existing and planned context and not impact the adjacent *Parks* designated lands.

Growth Plan

The Growth Plan requires that a significant portion of new population and employment growth be directed to built-up areas of the community through intensification. The Growth Plan outlines that through their Official Plans, municipalities will develop and implement policies to achieve intensification by recognizing urban growth centres, intensification corridors and major transit station areas as key areas to accommodate intensification. The Official Plan directs growth to the *Downtown, Centres, Avenues* and *Employment Areas*. The subject site is not located within one of these areas. The Growth Plan also requires all intensification areas to be planned and designed to provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places (Policy 2.2.3.7 c) and to achieve an appropriate transition of built form to adjacent areas (Policy 2.2.3.7 f).

The proposed 42 and 48 storey buildings would shadow significant portions of the public open space to the south and thereby represents an inappropriate transition of built form to the park lands as outlined below. As a result, the proposal does not conform to and conflicts with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Healthy Neighbourhoods and Built Form policies of the Official Plan provide a policy framework for the review of development applications. While intensification is provided for in *Mixed Use Areas*, it must be achieved through a built form that provides appropriate fit, transition and the protection of lands designated *Parks*. More specifically, Official Plan Policies 3.1.2.1 and 3.1.2.3 specify that new development will be located and organized to fit within its existing and/or planned context. As the subject lands are not on an *Avenue* and are not part of a Secondary Plan, the built form policy context is derived from the Official Plan policies discussed below.

Density of Development

The proposed development has a Floor Space Index (FSI) of 17.45. The adjacent development at 1900 Lakeshore Boulevard West is approximately 5.0 FSI and the NXT development to the north ranges from approximately 2.5 to 5.0 FSI for different phases of the development. Not all *Mixed Use Areas* will experience the same scale or intensity of development. The highest buildings and greatest development intensity will typically occur *Downtown* as described in Section 4.5 of the Official Plan. This proposal exceeds many of the densities being achieved in the *Downtown* and *Centres* and as such is not appropriate for this location.

Impact on Western Waterfront Park, Parks Designation

The Western Waterfront Park located to the south of the property constitutes a number of different parks including Sir Casimir Gzowski Park to the south, Lake Shore Boulevard Parkland (future Sunnyside Bike Park) to the east and Sunnyside Park to the south-east. These parks include a range of park uses and park facilities which will be negatively impacted by the proposed development.

Shadowing

There are a number of Official Plan policies which address shadowing. Policy 3.1.2.3 e) refers to providing for adequate light and limiting shadows on streets, properties and open spaces and minimizing any additional shadowing on neighbouring parks to preserve their utility. Policy 2.3.2.1 a) further refers to improving, preserving and enhancing the *Green Space System* by improving the enjoyment of lands under public ownership which is expanded on by Policy 3.2.3.3 which references minimizing additional shadows on parks to preserve their utility. Also of significance, Official Plan Policy 4.5.2 e) refers to maintaining sunlight on adjacent streets, parks and open spaces in *Mixed Use Areas*. Tall Building Guideline 1.3 refers to limiting shadow on adjacent streets and open spaces and is expanded on by Guideline 1.4 which seeks to protect access to sunlight (shadow impacts) and sky views within the surrounding context. These City policies and guidelines emphasize the need to locate and mass new buildings to limit shadow impacts and specifically in the case of parks, to minimize additional shadowing.

Shadowing impacts are important as they affect thermal comfort (enjoyment) of being outside and the provision of adequate light. In the case of a park, shadows affect both passive and active park uses. Shadows are impacted by the size, location and shape of building floor plates, height, setbacks as well as the time of year and angle of the sun. Plans have been submitted illustrating the extent of shadowing that would result from the proposed development for June, September and December 21 but not for March 21 as required by City guidelines.

On June 21 the proposed development would shadow parts of the Western Waterfront Park from approximately 5:00 p.m. to sunset. More specifically, within Sir Casimir Gzowski Park, the playground area, wading pool and boardwalk would be within full shadow from approximately 5:40 p.m. onwards. The sun can currently be enjoyed in these areas until approximately 8:00 p.m. on a summer evening. This would occur throughout the months of May, June and July. Were the proposal to be similar in height to the adjacent buildings to the east, there would be minimal shadowing on the park and reduced shadowing of the play areas within the park that would start at approximately 7:00 p.m. as opposed to 5:40 p.m.

The shadow studies for September 21 indicate the proposed development would shadow portions of the park and the south side of Lake Shore Boulevard West from 5:18 p.m. until the sun sets. More specifically, it would shadow the boardwalk, areas on the south side of Sunnyside Pavilion and the eastern portion of Sir Casimir Gzowski Park. The proposed development would also shadow the lands to the east and more specifically the Lake Shore Boulevard Parkland (future Sunnyside Bike Park).

It is also noted that Western Waterfront Master Plan Key Principles 5.1.1 and 6.1.1 illustrate the eventual realignment of Lake Shore Boulevard West which may involve an expansion of the adjacent parklands within the vicinity of the site. If and when this were to occur, the shadows from the proposal would likely fall on additional parkland.

The proposed development does not comply with the relevant Official Plan policies and Tall Building Guidelines as the proposed development would create unacceptable shadowing on the Western Waterfront Park (*Parks* designation) and would affect their enjoyment and use and thereby conflicts with the above mentioned policies.

The adjacent towers to the east at 1900 Lake Shore Boulevard West do not shadow the parkland in the vicinity of the Joy Oil Station recreation and playground area. In order to minimize their shadow impacts, staff are of the opinion the proposed towers should be reduced to a height similar to the buildings at 1900 Lake Shore Boulevard West.

Views and Transition

A key component of park use is the views one has to and from the park from various vantage points. The proposed development would affect the views enjoyed from the park. Tall Building Guideline 1.1 refers to existing and planned context based on an approximate 250 and 500 m radius. This radius would include the apartment developments to the north, but not the Humber Bay Shores development to the west, which, with the exception of the Palace Pier development, are subject to the Motel Strip Secondary Plan.

The existing and planned context, as viewed from the park opposite the site, is characterized by a stepping down of heights from the NXT development along The Queensway at 28, 28 and 35 stories which transitions down to the 18 and 19 storey buildings at 1900 Lake Shore Boulevard West and the 19-20 storey (65 m) strata limit to the west on lands being transferred to Build Toronto at 1978-2000 Lake Shore Boulevard West as directed by City Council at its meeting on May 17-18, 2011 and as amended by a decision July 17-19, 2013.

Official Plan Built Form Policies 3.1.2.1 and 3.1.2.3 require that new development be located and organized to fit within its existing and/or planned context and be massed to fit harmoniously into its context. Official Plan Policy 3.1.2.3 c) further refers to appropriate transitions in scale to neighbouring existing and/or planned buildings. The Tall Building Guideline 1.3 expands on this by referring to fit and compatibility and an appropriate transition from tall buildings down to lower-scale buildings.

The proposed two towers at 42 and 48 stories would not comply with the Tall Building guidelines or the Official Plan policies as they do not meet the criteria requiring the provision of an appropriate transition in scale between the proposed buildings and lower scale buildings and open spaces.

Impact on Apartment Neighbourhoods and Neighbourhoods

Development Criteria in the *Mixed Use Areas* designation, Official Plan Policy 4.5.2 c) refers to locating and massing new buildings to provide a transition between areas of different development intensity and scale through setbacks and/or stepping down of heights. The lands to the north are designated *Apartment Neighbourhoods* and *Neighbourhoods*. Shadows from the proposed development will negatively impact these areas.

Neighbourhoods Designated Properties

The shadow studies for December 21 show shadowing of approximately 50-80 *Neighbourhoods* designated properties at various times in the morning until 1:18 p.m. If the massing and height of the proposed towers were similar to the adjacent development at 1900 Lake Shore Boulevard West, the shadows would be minimized and impact approximately 4 such properties. It is also noted that the Windermere Village Design Guidelines, applicable to the lands further to the north, seek to preserve views of the waterfront from South Swansea. There are significant views identified in Map 1 of the Windermere Village Design Guidelines, such as the view from Coe Hill Drive, which would be negatively impacted by the proposed development.

Apartment Neighbourhood Properties

Shadow studies for September 21 indicate the proposed development would shadow the existing townhouses at the southwest quadrant of Windermere Avenues and The Queensway intersection for 2 hours in the morning at 9:18 and 10:18. From 11:18 a.m. to 1:18 p.m., the townhouses at the southeast quadrant would be shadowed.

At the corner of Windermere Avenue and the CNR rail line there are two parkettes which are publicly accessible open space (the western parkette is not fully constructed at this time). The shadow study indicates that on September 21 the two parkettes would be fully shadowed from 9:18 a.m. to 11:18 a.m. (10:18 a.m. for the western parkette). Similarly, for June 21 the western parkette would be fully shadowed at 9:18 a.m. and 10:18 a.m. while the eastern parkette would be fully shadowed at 10:18 a.m.

Impact on High Park, *Natural Areas* and *Parks Designations*

Official Plan Policy 3.1.1.3 refers to the enjoyment of the City's valleys and ravines and that they will be protected by ensuring that adjacent development, particularly its building height and massing, will preserve harmonious views and vistas from the valley. High Park is one such location that constitutes the eastern portion of a valley including the valley floor occupied by Grenadier Pond. Most of High Park is forested and as such any views are obscured by the forest canopy, the major exception to this is the scenic area adjacent to Grenadier Pond. While the existing towers on The Queensway and Lake Shore Boulevard West can be seen from Grenadier Pond, the height of the proposed towers is substantially greater than these existing towers and as such the view from the park would be further compromised. From the vantage point of Grenadier Pond, the proposed buildings would be clearly visible and as such would affect the existing views and vistas from the valley.

Access, Parking, Traffic and Loading

A Traffic Impact Study prepared by BA Group dated February 2013 and an addendum letter dated August 13, 2013 by BA Group to reflect the current revised proposal have been reviewed by staff. To mitigate the impacts of the proposed development, Transportation Services staff have recommended that the length of the eastbound left turn storage lane at the Lake Shore Boulevard West and Ellis Avenue intersection be increased to 110 m with a 30 m taper and that the applicant be responsible and pay for all

costs to modify the traffic signal timing at the Lake Shore Boulevard West/Ellis Avenue intersection. In addition, Transportation Services staff require a 1.7 m wide municipal sidewalk along the north side of Lake Shore Boulevard West which is proposed to be secured through a Section 37 Agreement, should a development be approved on the subject lands.

Transportation Services staff have also advised that an exclusive use surface and above grade easement is required for highway maintenance purposes. The easement should be of sufficient width to maintain a minimum 5 m setback from the south face (drip line) of the eastbound Gardiner Expressway to the north face of the proposed building. The applicant has proposed a 3.5 m setback. The adjacent development at 1900 Lake Shore Boulevard West, approved by the Ontario Municipal Board, was approved with a 3 m setback. The existing setback is approximately 3.2 m. Even though the adjacent development has a lesser setback, any approved building on the subject lands should be setback 5 m to meet the need for highway maintenance purposes.

The proposal includes 706 parking spaces for residents and 129 spaces for visitors for a total of 835 parking spaces. Transportation Services staff recommend the following minimum parking ratios for the proposed development should it be approved:

- 0.70 stalls per dwelling unit for bachelor dwelling units;
- 0.80 stalls per dwelling unit for one-bedroom dwelling units;
- 0.90 stall per dwelling unit for two-bedroom dwelling units;
- 1.10 stalls per dwelling unit for three or more bedroom dwelling units; and
- 0.15 stalls per dwelling unit designated for visitor parking.

Transportation Services staff have commented that 705 resident parking spaces and 127 visitor parking spaces for a total of 832 spaces would be required if the current proposal were to be approved. The proposed development exceeds the recommended parking provisions and this parking supply is therefore acceptable to Transportation Services staff.

Transportation Services staff have further advised that the proposed loading is sufficient for the proposed development and that existing roads and intersections, with modifications, have sufficient capacity to accommodate the development should it be approved.

The Official Plan contains policies which encourage reduced automobile dependency as well as promoting alternative modes of transportation including improved walking and cycling conditions. Site statistics (Plan A.101) for the proposal indicate the development would exceed the minimum bicycle parking requirements of the Tier 1 Toronto Green Standards. However, the plans submitted in support of the rezoning application do not show all of these spaces. In order to secure an appropriate supply of bicycle parking, any Zoning By-law Amendment approved by the OMB should include a provision for minimum bicycle parking spaces.

Future Site Plan Control applications would provide an opportunity for a detailed review of site operations including vehicular circulation, parking space dimensions, ramp design, driveway width and radii, loading operations and pick-up and drop-off facilities. The reviews could potentially result in revisions to floor plans, loading spaces/operations, ramps, parking space supply and vehicular movements.

Should the Ontario Municipal Board approve this application, it is recommended that the Board be requested to withhold its Order respecting the Zoning By-law Amendment until the proposed Zoning By-law has been amended to include appropriate building setbacks from the Gardiner Expressway and minimum bicycle parking space and minimum loading space requirements. Further, the Order should be withheld until the applicant has designed and provided financial securities for modifications to Lake Shore Boulevard West to the satisfaction of the General Manager, Transportation Services and the Director, Engineering and Construction Services and at no cost to the City of Toronto.

Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of these applications are in an area with 3.00+ hectares of parkland per 1,000 people. The site is in the highest quintile of current provision of parkland. The site is in a parkland priority area.

Should the Ontario Municipal board approve this application, the applicant proposes to satisfy the parkland dedication requirement by cash-in-lieu payment. This would be appropriate as the parkland dedication associated with the development would be too small to create a serviceable park. The actual amount of cash-in-lieu to be paid would be determined at the time of issuance of the building permit by the Facilities and Real Estate Division. Parks, Forestry and Recreation staff are satisfied with the proposal for a cash-in-lieu payment.

Amenity Space

The development proposal includes both indoor and outdoor amenity space. The indoor amenity space is proposed at the ground floor and at the fifth floor. The total proposed indoor amenity space is 1,950 m² which equates to 2.3 m² per dwelling unit. Outdoor amenity space is proposed on the fifth floor podium in the amount of 2,575 m², which equates to 3.0 m² per unit. Some of the new units would also have balconies or terraces. Staff are of the opinion the proposed amenity space is appropriate for this development.

Toronto District School Board

Toronto District School Board (TDSB) staff have advised there is insufficient space at local schools to accommodate students anticipated from the proposed development. TDSB staff have indicated that children from this development will not displace existing students at local schools and may therefore have to be bused to other schools. Alternative arrangements will be identified to optimize enrolment levels at all schools across the TDSB, however it is unknown at this time which schools are anticipated to serve this

potential development. Should the Ontario Municipal Board approve this application, TDSB staff are requesting that as a condition of any approval, signs be erected on site and that all offers of purchase and sale include warning clauses advising potential purchasers of the TDSB's requirements. There were no comments from the Toronto Catholic District School Board.

Solid Waste Management

Engineering and Construction Services staff advise that the proposed buildings would be eligible for City garbage, recycling and organic collection services. Should the Ontario Municipal Board approve this application, the subsequent Site Plan Control approval process would address garbage and recycling details such as access, loading area and garbage/recycling rooms. Finalizing the solid waste management arrangements for the proposed buildings could result in changes to the ground floor plan that may impact the proposal.

Stormwater Management and Site Servicing

The applicant submitted a Functional Servicing Report in support of the proposal. Engineering and Construction Services staff have reviewed the report and advise the findings and conclusions of the report are satisfactory.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS. The application was submitted in February 2013 and is subject to the Toronto Green Standard. Any subsequent Site Plan Control applications must comply with the TGS, with the exception of those standards secured through any zoning approved by the OMB.

Section 37

Given the increase in height and density represented by the current proposal, the Official Plan provides for the provision of Section 37 contributions. Discussions regarding Section 37 benefits between the applicant and the City did not occur as there was no agreement on appropriate development for the site. However, as this application has been appealed to the OMB, it is necessary to address Section 37 contributions in the event the OMB approves the proposed development.

A Community Services and Facilities Study was submitted by the applicant which identified needs in the area with respect to community services and facilities. The study does not assess the impact on or the needs for community centre facilities but does identify the need for additional child care services.

This report therefore recommends that if the Ontario Municipal Board approves this application, that in accordance with Policy 2.3.1.6 and 5.1.1 of the Official Plan, \$2,600,000 should be provided under Section 37 of the *Planning Act* for community benefits as determined through consultation with the Ward Councillor's office which identified the following community needs:

- \$250,000 for restoration of stairs at Ormskirk Park;
- \$950,000 for capital improvements to High Park including but not limited to the restoration of the Howard Park Gates, restoration of the Colborne Lodge stairs and improvements to the public trails;
- \$100,000 to develop a BIXI bike station at Sir Casimir Gzowski Park; and
- \$1,300,000 for the provision of non-profit childcare facilities in the local area.

The amount and recommended community benefits are comparable to those secured for similar developments in the area.

The following matters are also recommended to be secured as a legal convenience in the Section 37 Agreement to support development:

1. Applicant shall design and construct a 1.7 m wide municipal sidewalk along the north side of Lake Shore Boulevard West to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services and at no cost to the City.
2. Applicant shall design and construct an increased eastbound left turn storage lane at the Lake Shore Boulevard West and Ellis Avenue intersection having a length of 110 m with a 30 m taper including the provision of financial securities to guarantee this work, all to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services and at no cost to the City.
3. Applicant shall modify the traffic signal timing at the Lake Shore Boulevard West and Ellis Avenue intersection to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services and at no cost to the City.
4. Applicant shall grant in favour of the City a 5 m wide exclusive use surface and above-grade easement along the north property line for highway maintenance purposes to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services.

Conclusions

The introduction of two towers at a height of 42 and 48 storeys on the subject site is not appropriate as the buildings would negatively impact the adjacent parklands as well as shadow the adjacent *Neighbourhoods* and *Apartment Neighbourhoods* designated lands. They would create an unacceptable condition that would not conform to Official Plan

policies with respect to protecting the viability and use of parkland as well as providing for an appropriate built form and transition. As currently proposed, the development is out of scale and character for the planned and existing built form context and represents an over intensification of development on this site.

Additional development could be supported at this location, provided it is within a built form that provides an appropriate transition of scale, limits shadow and provides compatible physical relationships between developments and creates a positive visual relationship to the street. The proposed tower height, scale and site layout fails to achieve this.

For the reasons outlined in this report, it is recommended that staff be directed to attend the OMB hearing to oppose the applicant's development proposal and the appeal of the current Zoning By-law Amendment application for 1926 Lake Shore Boulevard West.

CONTACT

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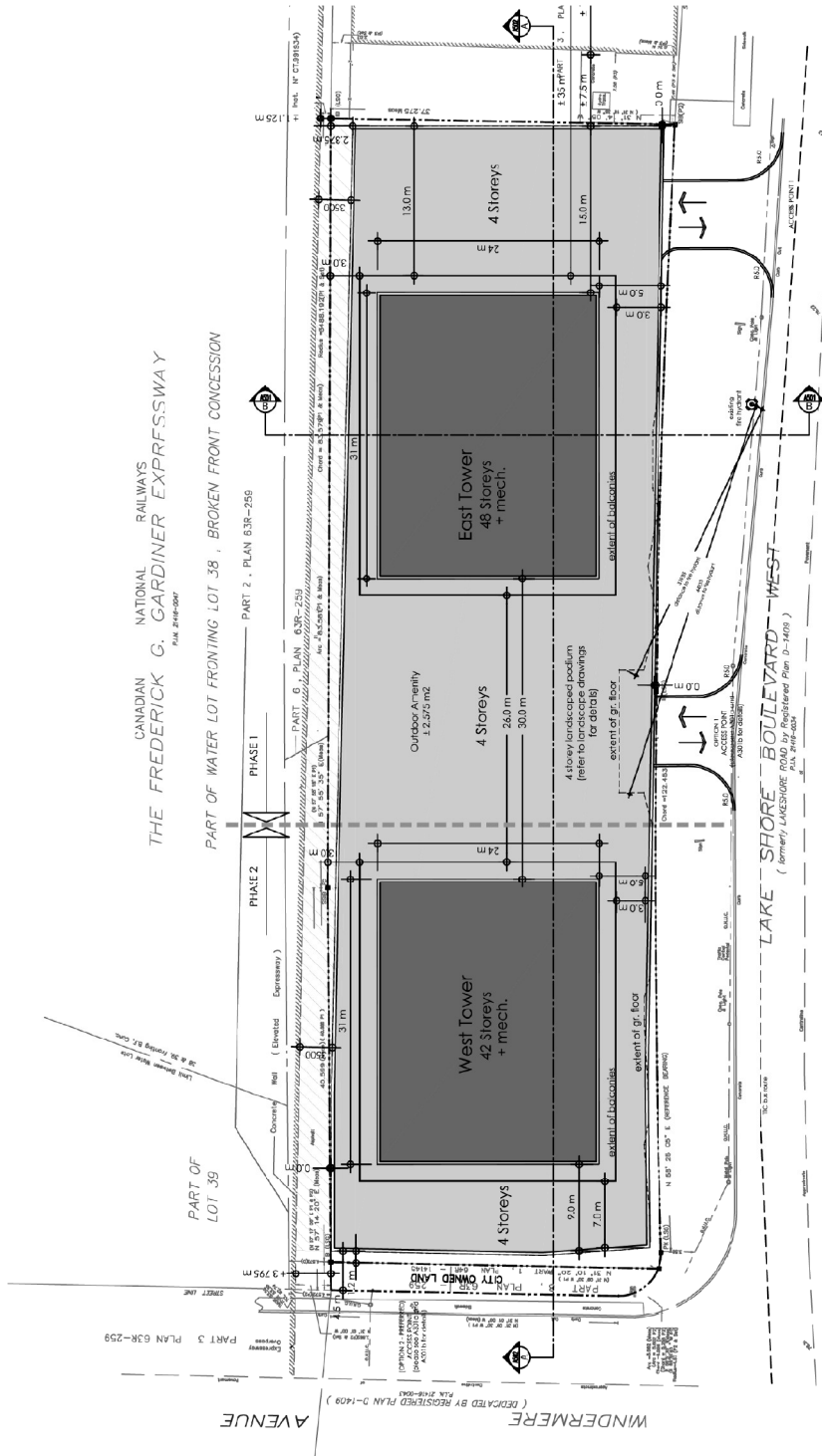
SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Ground Floor Plan
Attachment 3: Elevations
Attachment 4: Zoning
Attachment 5: Application Data Sheet

Attachment 1: Site Plan



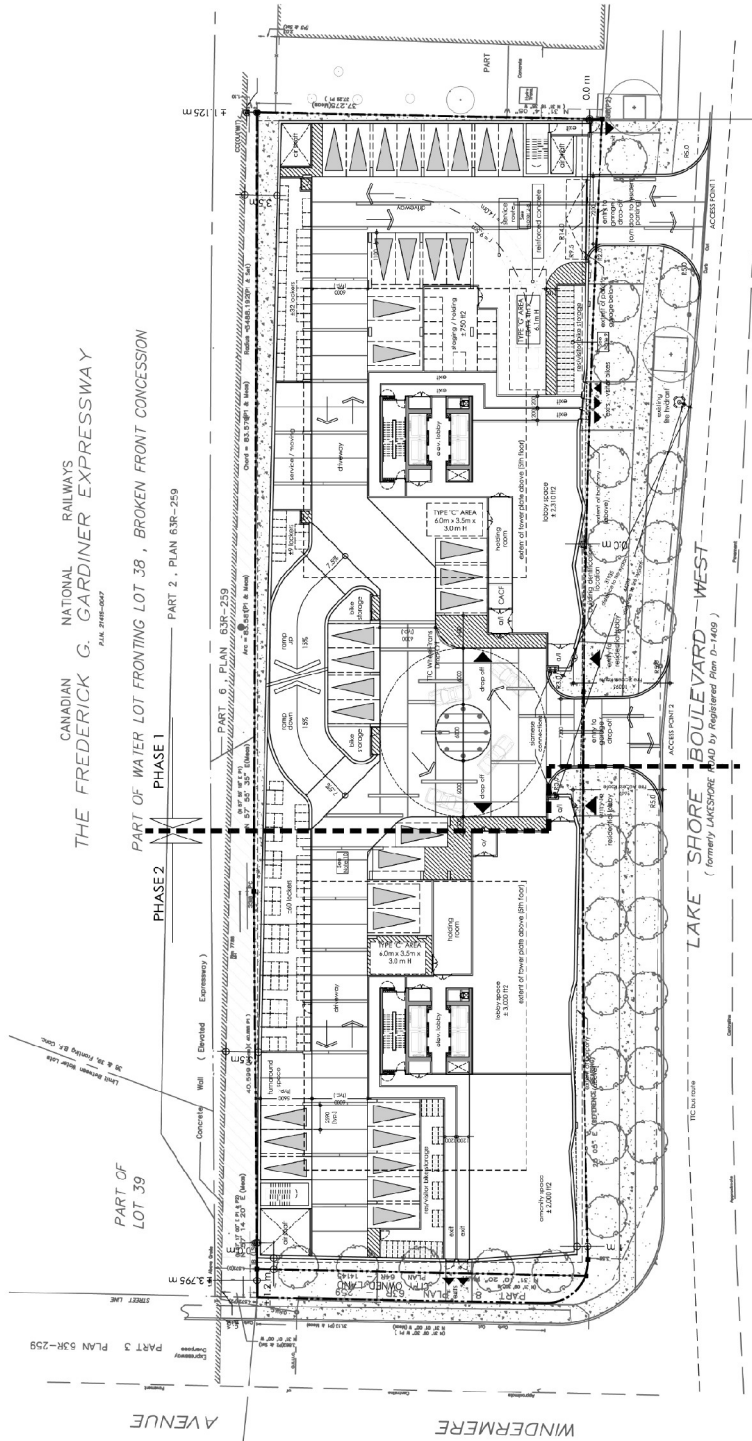
1926 Lake Shore Boulevard West

Site Plan
Applicant's Submitted Drawing

Not to Scale
1/1813

File # 13 125924 WET 13 0Z

Attachment 2: Ground Floor Plan



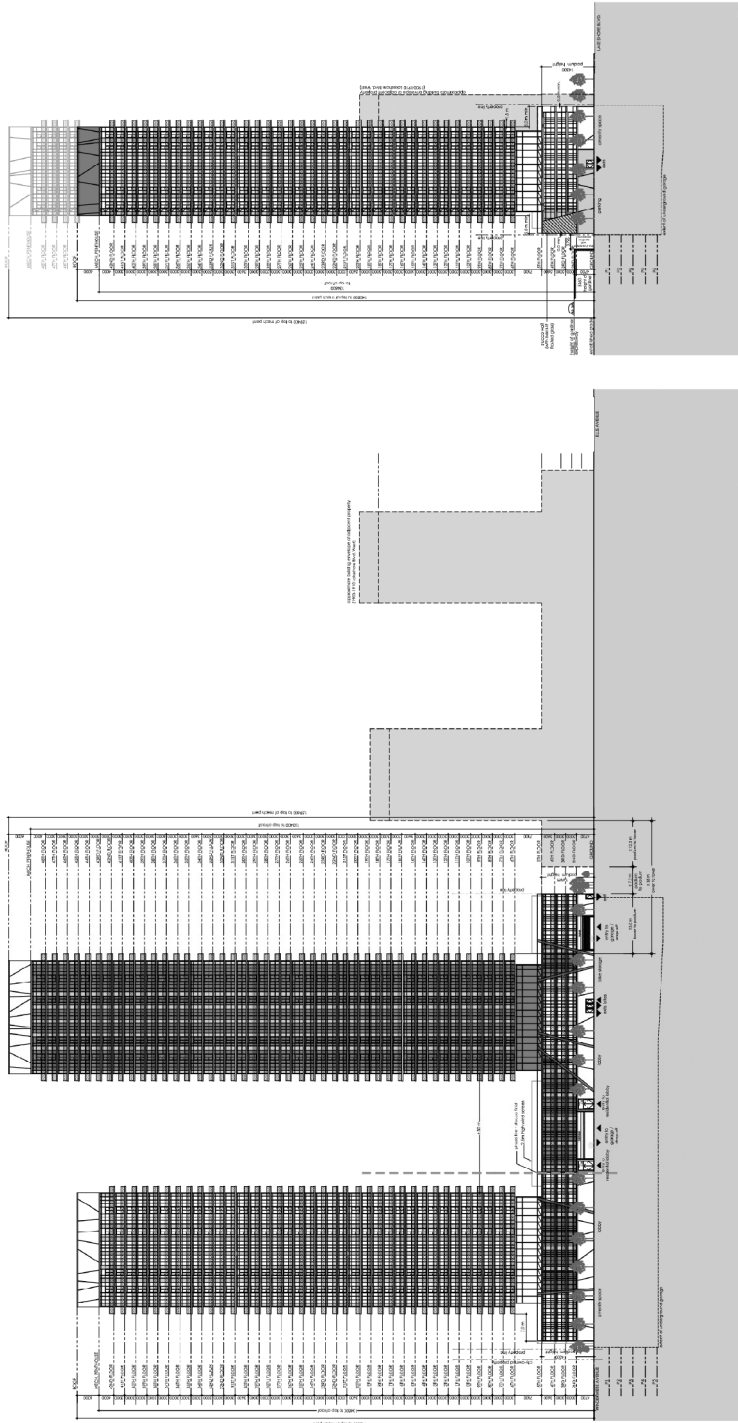
1926 Lake Shore Boulevard West

Ground Floor Plan
 Applicant's Submitted Drawing

Not to Scale
 11/8/13

File # 13 125924 WET 13 02

Attachment 3: Elevations



West Elevation

South Elevation

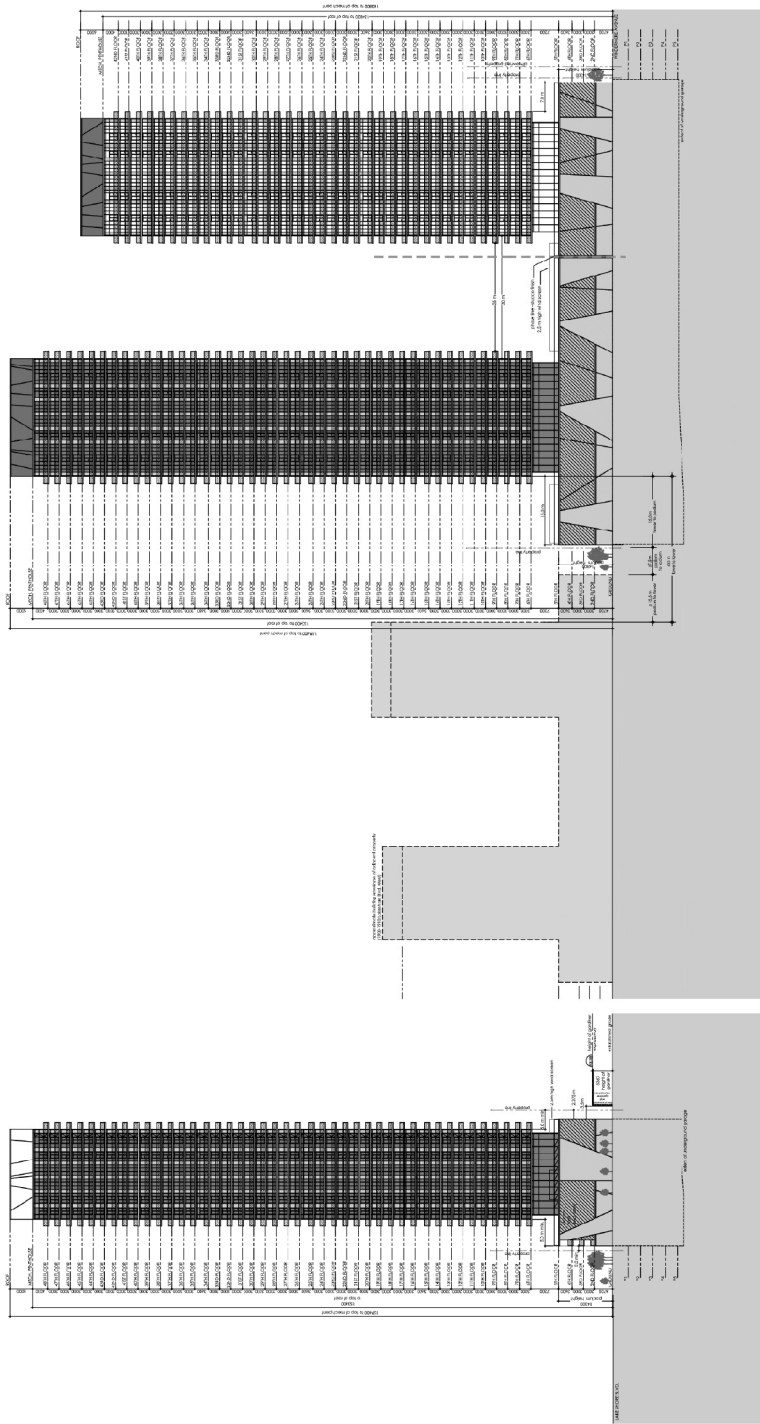
Elevations

1926 Lake Shore Boulevard West

Applicant's Submitted Drawing

Not to Scale
11/8/13

File # 13 125924 WET 13 0Z



North Elevation

East Elevation

Elevations

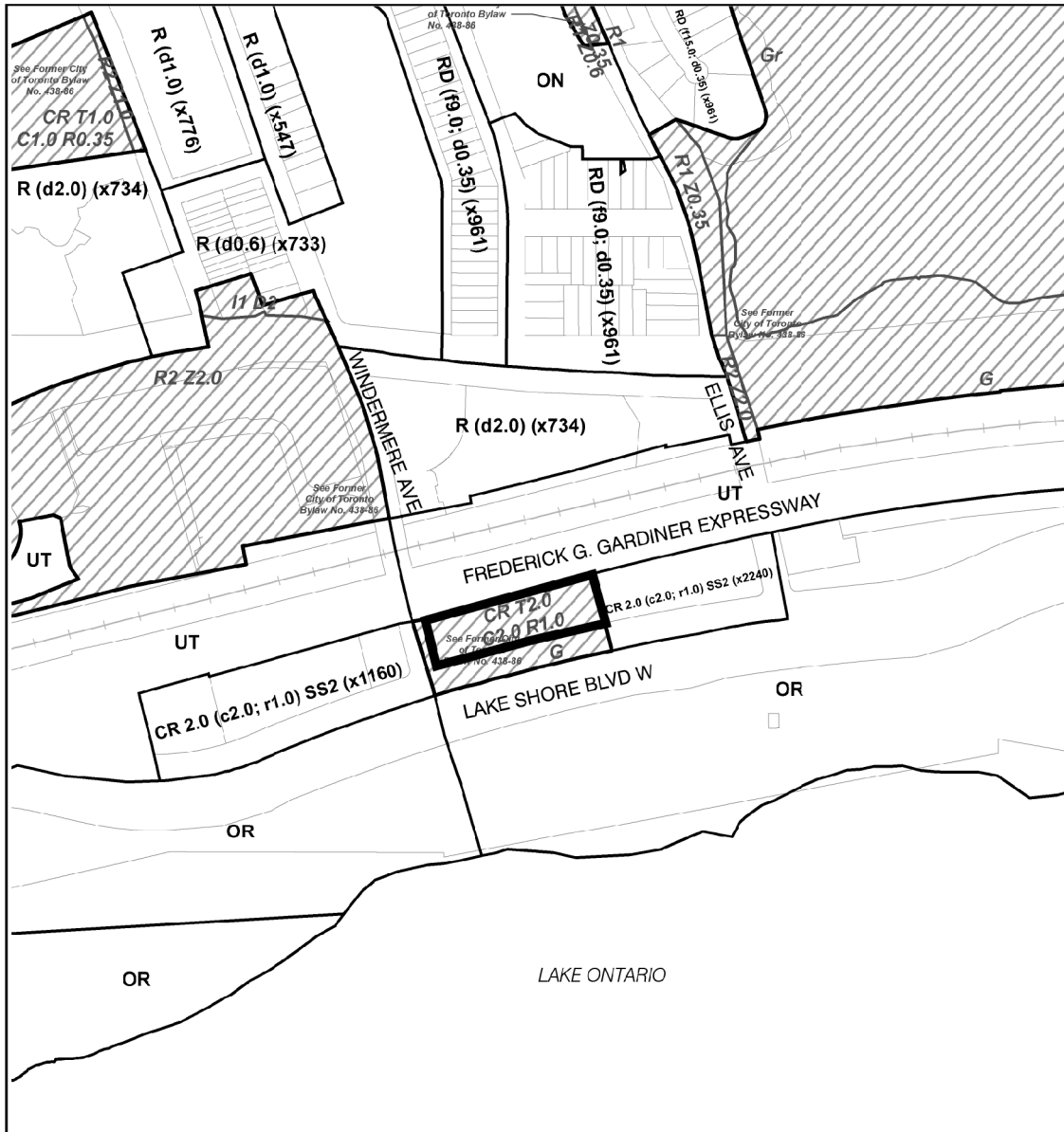
1926 Lake Shore Boulevard West

Applicant's Submitted Drawing

Not to Scale
11/8/13

File # 13 125924 WET 13 0Z

Attachment 4: Zoning





TORONTO City Planning
Zoning By-law 569-2013

1926 Lake Shore Boulevard West
 File # 13 125924 WET 13 0Z

-  Location of Application
- R Residential
- RD Residential Detached
- ON Open Space Natural
- OR Open Space Recreation

UT Utility and Transportation

-  See Former City of Toronto Bylaw No. 438-86
- R1 Residential District
- R2 Residential District
- CR Mixed Use District
- G Parks District


 Not to Scale
 Extracted 11/15/2013

Attachment 5: Application Data Sheet

| | | | |
|------------------|--------------------|---------------------|---------------------|
| Application Type | Rezoning | Application Number: | 13 125924 WET 13 OZ |
| Details | Rezoning, Standard | Application Date: | February 27, 2013 |

Municipal Address: 1926 LAKE SHORE BLVD W
 Location Description: PLAN D1409 BLK 4 & PT BLK 5 RP 64R14145 PART 2 **GRID W1309
 Project Description: Proposed amendments to the Zoning By-Law to permit the development of 2 residential towers with heights of 42 and 48 stories connected by a 4 storey podium.

| | | | |
|-------------------|---------------|-------------------|-------------------------------|
| Applicant: | Agent: | Architect: | Owner: |
| AIRD & BERLIS LLP | | | 1926 LAKESHORE WEST GP INC |

PLANNING CONTROLS

| | | | |
|----------------------------|-------------------|--------------------------|-----|
| Official Plan Designation: | Mixed Use Areas | Site Specific Provision: | |
| Zoning: | CR T2.0 C2.0 R1.0 | Historical Status: | |
| Height Limit (m): | 14 m | Site Plan Control Area: | Yes |

PROJECT INFORMATION

| | | | | |
|------------------------------------|-------|---------|-----------------|-------|
| Site Area (sq. m): | 4464 | Height: | Storeys: | 48 |
| Frontage (m): | 124 | | Metres: | 159 |
| Depth (m): | 35 | | | |
| Total Ground Floor Area (sq. m): | 4096 | | | Total |
| Total Residential GFA (sq. m): | 77840 | | Parking Spaces: | 835 |
| Total Non-Residential GFA (sq. m): | 0 | | Loading Docks | 3 |
| Total GFA (sq. m): | 77840 | | | |
| Lot Coverage Ratio (%): | 92 | | | |
| Floor Space Index: | 17.45 | | | |

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

| | | Above Grade | Below Grade |
|--------------|-----|----------------------------------|-------------|
| Tenure Type: | | | |
| Rooms: | 0 | Residential GFA (sq. m): | 77840 |
| Bachelor: | 10 | Retail GFA (sq. m): | 0 |
| 1 Bedroom: | 554 | Office GFA (sq. m): | 0 |
| 2 Bedroom: | 283 | Industrial GFA (sq. m): | 0 |
| 3 + Bedroom: | 0 | Institutional/Other GFA (sq. m): | 0 |
| Total Units: | 847 | | |