

2445 Lake Shore Boulevard West – Official Plan Amendment – Final Report

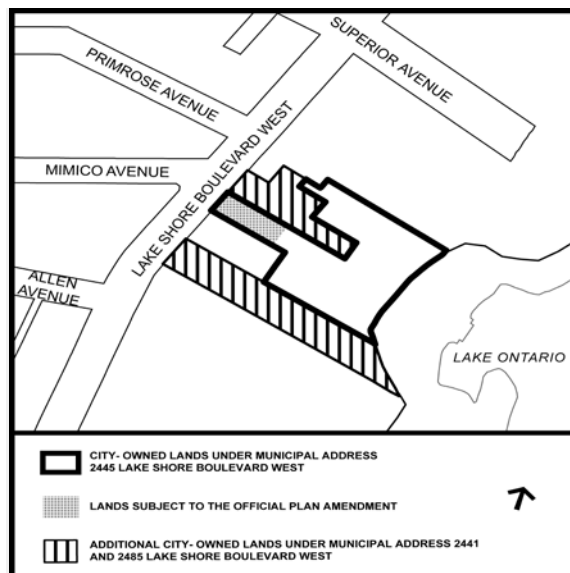
Date:	May 25, 2016
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 6 – Etobicoke-Lakeshore
Reference Number:	16 104318 WET 06 OZ

SUMMARY

This City-initiated application proposes an Official Plan Amendment to allow for a lease extension by Storefront Humber Incorporated, a non-profit organization, on part of the lands known as 2445 Lake Shore Boulevard West to allow Storefront Humber to continue to operate in this location.

An Official Plan Amendment is required as the property is located in the *Green Space System* and is designated as *Parks and Open Space Areas* under the Toronto Official Plan. The sale or disposal of City owned lands in the *Green Space System* and *Parks and Open Space Areas* is prohibited by Official Plan policies. The extension of a lease that exceeds a period of 21 years is a form of disposition that is not permitted. The building at 2445 Lake Shore Boulevard West has been leased to Storefront Humber Incorporated for a period of 20 years, since 1996, and the existing lease expires on May 31, 2016.

This report reviews and recommends approval of the application to amend the Official Plan for the purpose stated.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan by adding the lands subject to the Official Plan Amendment (see Attachment 1) at 2445 Lake Shore Boulevard West to the list of properties in Site and Area Specific Policy No. 265, substantially in accordance with the draft Official Plan Amendment attached as Attachment 6 to the May 24, 2016 report from the Director of Community Planning, Etobicoke York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

There have been no previous planning applications for this site.

In 1996, City Council approved a 5 year lease agreement with Storefront Humber Incorporated ("Storefront Humber"). This original lease was amended in 1997 and again in 2005 to increase the term to 20 years. The lease expires on May 31, 2016. In addition to the term, Storefront Humber's original lease agreement was amended in 2005 to allow for an addition to the building at 2445 Lake Shore Boulevard West to better serve local seniors.

On June 11, 2013, City Council approved the construction of approximately 115 m² of additional space to the front of the building at 2445 Lake Shore Boulevard West, by Storefront Humber, and to amend the existing lease agreement. The City Council decision and report can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.GM22.9>

In July 2013, the Mimico-by-the-Lake Secondary Plan (OPA 197) was approved by City Council and was subsequently appealed to the Ontario Municipal Board. The first phase of the hearing addressed general appeals and in its decision, dated March 31, 2015, the Ontario Municipal Board approved OPA 197, subject to certain modifications, all of which had been supported by the City. The City Council decision and report can be viewed at the following link:

<http://www.toronto.ca/legdocs/mmis/2013/ey/bgrd/backgroundfile-57442.pdf>

As part of this approval, the lands in Amos Waites Park fronting Lake Shore Boulevard West, municipally known as 2445 Lake Shore Boulevard West, were redesignated from *Mixed Use Areas* to *Parks and Open Space Areas* to reflect the current use and ownership. Additionally, Amos Waites Park will remain as an important social and recreational focal point for the community.

On February 23, 2016, Etobicoke York Community Council considered a Preliminary Report regarding amending the Official Plan to remove a portion of 2445 Lake Shore Boulevard West from the *Parks and Open Space Areas* policy relating to the prohibition on the disposal of City parkland. The Community Council decision and report can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EY12.6>

ISSUE BACKGROUND

Proposal

This City-initiated Official Plan Amendment application proposes to add the lands subject to the lease between the City of Toronto and Storefront Humber, at 2445 Lake Shore Boulevard West, to Site and Area Specific Policy No. 265 so they are exempt from Official Plan Policies 2.3.2.4 and 4.3.8, which prohibits the disposal of City owned land in areas located in *Green Space Systems* and designated as *Parks and Open Space Areas*. A lease with a time duration of over 21 years or more is considered disposition of land.

Storefront Humber is an Elderly Persons Centre/home support agency currently operating as a below-market rent tenant in the City-owned building located at 2445 Lake Shore Boulevard West. Storefront Humber wishes to continue leasing this portion of the land within 2445 Lake Shore Boulevard West for the continued operation of its Elderly Persons Centre/home support agency.

The current lease commenced on June 1, 1996 and will expire on May 31, 2016. Storefront Humber has requested the City to extend the lease for five years, commencing on June 1, 2016.

Site and Surrounding Area

The subject lands are located on the east side of Lake Shore Boulevard West, south of Mimico Avenue and north of Allen Avenue. The lands are generally rectangular in shape and are approximately 0.64 ha in area with an approximate frontage of 18.4 m on Lake Shore Boulevard West. The portion of 2445 Lake Shore Boulevard West subject to this application (the "Site") is 0.09 ha in area with an approximate frontage of 18.4 m on Lake Shore Boulevard West.

The Site is adjacent to Amos Waites Park. Currently, the Site contains a two-storey building that is being leased by Storefront Humber.

Surrounding uses include:

North: A number of retail stores in two and three-storey mixed use buildings.

South: Immediately to the south is a two-storey commercial building.

East: Immediately to the east is Amos Waites Park and Lake Ontario.

West: Across Lake Shore Boulevard West are a number of retail stores in two and three-storey mixed use buildings.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key objectives include: building strong, healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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 subject lands are designated *Parks and Open Space Areas* on Map 15 – Land Use Plan in the Official Plan (see Attachment 4), as provided for through the approved Mimico-by-the-Lake Secondary Plan (OPA 197). The majority of the Mimico-by-the-Lake Secondary Plan has been approved by the Ontario Municipal Board. Once the Board issues the Order, amendments to the Official Plan Land Use Map 15 will be completed illustrating that the entire subject lands, including the Site, are designated *Parks and Open Space Areas*.

In addition, the rear portion of the subject lands is designated *Natural Areas* on Map 15 and is also located with the Natural Heritage System on Map 9 of the Official Plan, which identifies the City's significant natural heritage features and functions. Permitted uses include: green spaces and habitat for native flora and fauna.

Parks and Open Space Areas are made up of a number of land uses, including but not limited to: parks and open spaces, valleys, watercourses and ravines, and portions of the waterfront.

- Policy 4.3.2 states that development is generally prohibited within *Parks and Open Space Areas* except for recreational and cultural facilities.
- Policy 4.3.3 states Natural Areas will be maintained primarily in a natural state, while allowing for:
 - (a) compatible recreational, cultural and educational uses and facilities that minimize adverse impacts on natural features and functions.

- Policy 4.3.4 states that *Parks* will be used primarily to provide public parks and recreational opportunities.
- Policy 4.3.8 states “the sale or disposal of publicly owned lands in *Parks and Open Space Areas* is discouraged and no City owned lands in *Parks and Open Space Areas* will be sold or disposed of”.

The subject lands area located in the *Green Space System*. The *Green Space System* is comprised of those lands with a *Parks and Open Space Areas* designation which are large, have significant natural heritage or recreational value and which are connected.

- Policy 2.3.2.4 states "the sale or disposal of publicly owned lands in the Green Space System will be discouraged. No City owned land in the Green Space System will be sold or disposed of. However, City owned land in the Green Space System may be exchanged for other nearby land of equivalent or larger area and comparable or superior green space utility."

Zoning

The lands are subject to the former City of Etobicoke Zoning Code. The lands are zoned G (Greenbelt) (see Attachment 2: Zoning (Former City of Etobicoke Zoning Code)). The Greenbelt zone permits a wide range of public uses and recreational uses.

The lands are also subject to City-wide Zoning By-law No. 569-2013, as the application was submitted and deemed to be complete after the passing of the Zoning By-law. Currently, Zoning By-law No. 569-2013 is under appeal to the Ontario Municipal Board. Under the new Zoning By-law, this site is zoned OR (Open Space – Recreation Zone), permitting a number of public uses such as parks, recreation uses and community centres (see Attachment 3: Zoning (City of Toronto Zoning By-law No. 569-2013)).

Site Plan Control

The property is subject to Site Plan Control.

A Site Plan Control application is not required because there is no new construction proposed at this time.

Reasons for Application

An amendment to the Official Plan is required because the lands Storefront Humber is leasing for the operation of its Elderly Persons Centre/home support agency are City owned lands located in the Green Space System and are designated as *Parks and Open Space Areas* under the City's Official Plan. The sale or disposal of City owned *Green Space Areas* and *Parks and Open Space Areas* is prohibited as per Official Plan Policies 2.3.2.4 and 4.3.8.

Chapter 213 of the City of Toronto Municipal Code defines a "sale" as a commitment to sell or otherwise dispose of land, including a disposal by way of a lease of 21 years or

longer. The granting of a long term lease for a use that has occurred for a period of 21 years or longer is considered a disposition of land; accordingly, an Official Plan Amendment is required.

The proposed amendment would be consistent with other sites across the City and can be found in Chapter 7 – Site and Area Specific Policies of the Official Plan, more specifically as Site and Area Specific Policy No. 265 (SASP 265). This amendment does not change the Official Plan designation of the Site from *Parks and Open Space Areas*.

In the instance that Storefront Humber Incorporated no longer has a lease with the City, and the City, through a process, decides to utilize the space for other programming, an amendment to the Official Plan would be required in order to remove these lands from Site and Area Specific Policy No. 265.

This report addresses the Official Plan Amendment aspects however, the lands would also need to be declared surplus in accordance with applicable City procedures. A report to City Council, for the approval of the lease extension, would be required to finalize the process.

Community Consultation

A community consultation meeting was scheduled to be held on March 21, 2016 at Mimico Centennial Library. Due to unforeseen problems with the space, this meeting was postponed.

The rescheduled community consultation meeting was held on April 28, 2016 at John English Middle School with approximately 60 members of the public in attendance. Issues and concerns related to the application are summarized as follows:

1. Land Use – the community expressed concerns regarding the lack of community space in the neighbourhood and the inability to utilize the space within the existing building, off hours. There was general agreement regarding putting in place mechanisms to allow for the use of space (within the existing building) and resolving insurance constraints. The community also expressed the need for a future vision of use within the existing building, to be utilized by all age groups. The residents believe the City "can do better" to develop a recreational hub for the community.
2. Site and Area Specific Policy No. 265 – the community expressed concerns regarding the term "disposal" and the implications of adding the lands to SASP 265, exempting a portion of the lands from Policies 2.3.2.4 and 4.3.8 of the Official Plan.
3. Lease Extension – the community expressed concern regarding how the lease is negotiated by Real Estate Services and the approval process by City Council. There was general agreement regarding the lack of public consultation and

notification required for the extension of the lease and/or building permits for additions/alterations to the existing building.

4. Parking – the community expressed concerns regarding lack of parking on the lands and on the plaza site abutting the property as these parking spots are being utilized by the employees of Storefront Humber. Area residents are also concerned with parking along the driveway, blocking vehicular access to the lands.

Agency Circulation

The application was circulated to limited City divisions. Responses received have been used to assist in evaluating the application and appropriate By-law standards.

COMMENTS

The City-owned lands subject to the existing lease agreement are currently developed with a two-storey building, a driveway, a pedestrian walkway and a front yard landscaped area which Storefront Humber presently maintains. Parks, Forestry and Recreation Services will continue to have full jurisdiction and management responsibility of the subject site and existing building.

Official Plan Policy 2.3.2.4 states that: "The sale or disposal of publicly owned lands in the *Green Space System* will be discouraged. No City owned land in the *Green Space System* will be sold or disposed of." In addition, Official Plan Policy 4.3.8 states that: "The sale of publicly owned lands in *Parks and Open Space Areas* is discouraged and no City owned lands in *Parks and Open Spaces Areas* will be sold or disposed of."

Site and Area Specific Policy No. 265 of the Official Plan identifies certain lands whereby the provisions of the Official Plan prohibiting the disposal of City owned land in the *Green Space System or Parks and Open Space Areas* do not apply and has been used for a number of sites across the City to permit appropriate disposals beyond 21 years which are otherwise in keeping with the intent of the *Parks and Open Space Areas* designation.

Since 1996, the City has entered into a 20 year lease with Storefront Humber, which will expire on May 31, 2016. The extension of this lease would result in a cumulative lease for 21 years or longer, which is considered a form of disposition that is not permitted.

The proposed Official Plan Amendment is consistent with the treatment of other sites across the City as found in Chapter 7 - Site and Area Specific Policies of the Official Plan, more specifically as Site and Area Specific Policy No. 265 (SASP 265). This amendment will not amend the Official Plan designation of the lands, but will add the Site to the other approximately 28 City owned sites listed in SASP 265.

Planning staff recommend Site and Area Specific Policy No. 265 of the Official Plan be amended to add a portion of this property to the list of properties in SASP 265 so that Policy 2.3.2.4 and Policy 4.3.8 will not apply to those lands currently leased, and

proposed to be continued to be leased, by Storefront Humber. Map 29 also requires amendment to identify these lands as being subject to this Site and Area Specific Policy.

The addition of this Site to the list of properties in Site and Area Specific Policy No. 265 does not change the Greenbelt (G) and OR (Open Space – Recreation Zone) zoning on the lands. The rear portion of the lands will continue to be a Natural Heritage System and will be regulated by the Ravine and Natural Features Protection By-law.

Staff recommend approval of this Official Plan Amendment.

CONTACT

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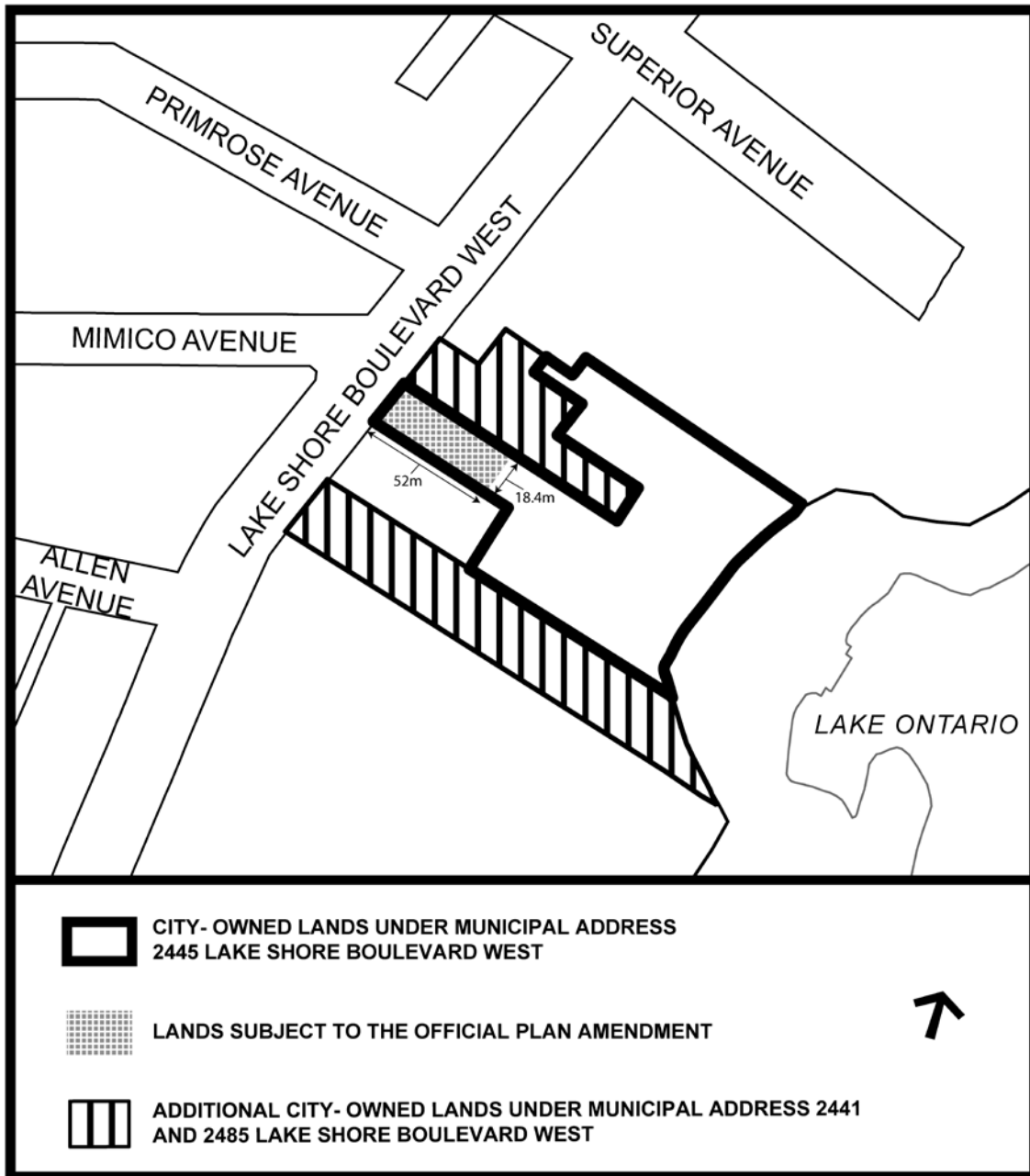
SIGNATURE

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

ATTACHMENTS

Attachment 1: Lands Subject to the Official Plan Amendment
Attachment 2: Zoning (Former City of Etobicoke Zoning Code)
Attachment 3: Zoning (City of Toronto Zoning By-law No. 569-2013)
Attachment 4: Official Plan
Attachment 5: Application Data Sheet
Attachment 6: Draft Official Plan Amendment

Attachment 1: Lands Subject to the Official Plan Amendment



Attachment 2: Zoning (Former City of Etobicoke Zoning Code)



2445 Lake Shore Boulevard West

Zoning

File # 16 104318 WET 06 02

Location of Application

- R1 Residential Single
- R2 Residential 1, 2, & 3 Family
- R2A Residential Single & Duplex
- R3 Residential Multiple
- R4 Residential Multiple

- C Commercial
- G Greenbelt
- O Temporary Open Space
- W Waterfront



Zoning By-law 1930 as amended
Not to Scale
Extracted: 01/25/2016

Attachment 3: Zoning (City of Toronto Zoning By-law No. 569-2013)



Zoning By-Law No. 569-2013

2445 Lake Shore Boulevard West

File # 16 104318 WET 06 0Z

Location of Application

RM Residential Multiple
RA Residential Apartment

CR Commercial Residential
O Open Space
OR Open Space Recreation

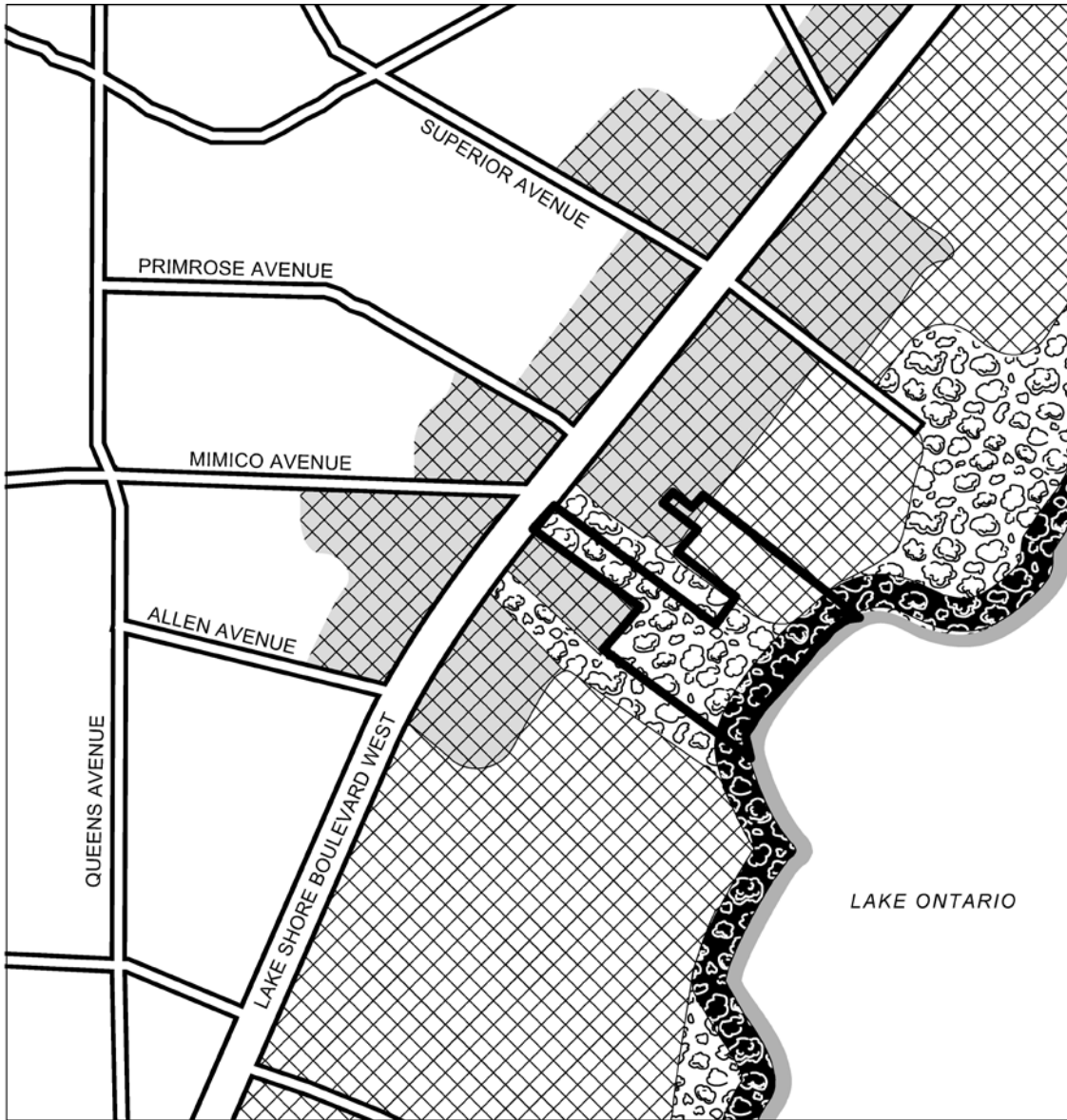
See Former City of Etobicoke (Mimico) By-Law No. 1930

C Commercial



Not to Scale
Extracted: 01/25/2016

Attachment 4: Official Plan



TORONTO City Planning
Official Plan

2445 Lake Shore Boulevard West

File # 16 104318 WET 06 02

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

↑
 Not to Scale
 04/25/2016

Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment	Application Number:	16 104318 WET 06 OZ
Details	OPA, Standard	Application Date:	January 14, 2016
Municipal Address:	2445 Lake Shore Boulevard West		
Location Description:	PLAN M224 PT LOTS 1 TO 3 WATER LOT		
Project Description:	To amend the Official Plan to allow a disposal of City-owned parkland by extending an existing lease for 21 years or longer.		

Applicant:	Agent:	Architect:	Owner:
			CITY OF TORONTO

PLANNING CONTROLS

Official Plan Designation:	Parks and Open Space Areas	Site Specific Provision:	Mimico-by-the-Lake Secondary Plan
Zoning:	C & G/OR	Historical Status:	
Height Limit:	N/A	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	6,354	Height:	Storeys:	2	
Frontage (m):	18.4		Metres:		
Depth (m):	353 (min); 356 (max)				
Total Ground Floor Area (sq. m):					Total
Total Residential GFA (sq. m):	0		Parking Spaces:	0	
Total Non-Residential GFA (sq. m):	891		Loading Docks	0	
Total GFA (sq. m):	891				
Lot Coverage Ratio (%):					
Floor Space Index:	0.14				

DWELLING UNITS

Tenure Type:	N/A
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	0
Total Units:	0

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	0	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	891	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:	PLANNER NAME:	Sabrina Salatino, Planner
	TELEPHONE:	416-394-8025

Attachment 6: Draft Official Plan Amendment

Authority: Etobicoke York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To adopt an amendment to the Official Plan
for the City of Toronto
respecting a portion of the lands known municipally in the year 2016 as
2445 Lake Shore Boulevard West**

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P.13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No. 305 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

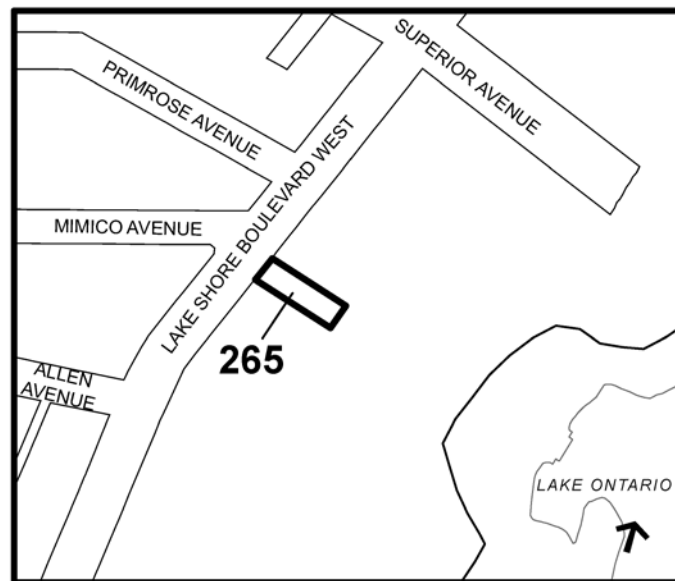
AMENDMENT NO. 305 TO THE OFFICIAL PLAN

RESPECTING A PORTION OF THE LANDS KNOWN MUNICIPALLY IN THE
YEAR 2015 AS 2445 LAKE SHORE BOULEVARD WEST

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by adding the following text and map respecting the portion of lands known in 2015 as 2445 Lake Shore Boulevard West:

Certain lands at 2445 Lake Shore Boulevard West.



2. Chapter 7, Map 29, Site and Area Specific Policies, is revised by adding a portion of the lands located at 2445 Lake Shore Boulevard West, as shown on the map in Section 1.