The Etobicoke Community Council, after considering the deputations, written submissions filed and based on the finding of fact, conclusions and recommendations in the report (February 24, 2000) from the Director, Community Planning, West District, recommends that:

(1) the application by Prombank Investments Limited for the lifting of the ‘H’ Holding provisions and Site Plan Control approval to permit the development of a 133-unit residential condominium on the south side of Lake Shore Boulevard West, immediately west of Palace Pier Court be approved, subject to the conditions contained in the report;

(2) the application for amendment to the zoning provisions of By-law No. 1994-197 to permit an additional two storeys (17 from 15) for the most westerly building on the site, be refused; and

(3) the layby drop-off proposed for the main entrance of the project be replaced with a full, one-way vehicular access, including drop-off and pick-up on Palace Pier Court, substantially as shown by the applicant in the presentation drawing.

The Etobicoke Community Council reports having held a statutory public meeting on March 23, 2000, in accordance with Section 34 of the Planning Act, and appropriate notice of this meeting was given in accordance with the Planning Act and the regulations thereunder, and the provisions of the Motel Strip Secondary Plan.

The Etobicoke Community Council submits the following report (February 24, 2000) from the Director, Community Planning, West District:

Purpose:

To consider an application for site plan control approval and lifting of the 'H' Holding provisions from By-law No. 1994-197 to permit a 133-unit condominium building.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:
the application for Site Plan Control approval to permit the development of a 133-unit residential condominium and proposed lifting of the ‘H’ Holding provisions from By-law No. 1994-197 be approved, in principle, subject to the conditions outlined in this report including:

(i) a reduction in building height on the westerly building from 17 to 15 storeys in accordance with the maximum height limit in By-law No. 1994-197;

(ii) submission of a revised plan which meets the intent of the sky-exposure provisions of the built form guidelines to the satisfaction of the Director of Community Planning, West District; and

(iii) the holding of a public meeting which is scheduled for March 23, 2000.

The by-law lifting the ‘H’ holding symbol from the property be forwarded to Council subject to confirmation that the holding provisions within Schedule ‘F’ of By-law No. 1994-197 have been satisfied.

Background:

Prombank Investments has submitted an application for Site Plan Control approval, lifting of the ‘H’ Holding symbol from By-law No. 1994-197, and by-law amendment to permit an additional two-storey in height (17- as opposed to 15-storey) for the most westerly building on the site.

Staff note that Intracorp properties are proposing a 12-storey (84-unit condominium and 8 townhouse units on the adjacent site to the south which is also before Community Council at this time.

The by-law pertaining to Humber Bay Shores (By-law No. 1994-197) was approved by the Ontario Municipal Board on February 28, 1996, and establishes land uses, development standards, as well as a number of conditions which must be fulfilled prior to the approval of a site plan application, and the lifting of the holding ‘H’ provisions.

The review process set out in Section 15.8.3 of the Motel Strip Secondary Plan provides for the concurrent processing of the site plan and an application to lift the ‘H’ symbol, which has resulted in the combined application now before the Community Council. The Plan also requires a public meeting to be held, which is scheduled for March 23, 2000. In addition, a community meeting was held on May 4, 1999, to receive public input, and to review the project’s compliance with the built-form guidelines set out in Appendix ‘A’ of the Official Plan. The results are detailed in the ‘Community Meeting’ section of this report.

Comments:

Proposal:

The original proposal was submitted in February 1999 and consisted of a 15-storey, 119-unit condominium building and 5-storey building on the waterside of the development. Since that
time, the project has been revised on a number of occasions in an attempt to meet the relevant by-law standards, and address the built form guidelines in Appendix A of the Official Plan.

More recently, the applicant on January 14, 2000, filed a combined application for by-law amendment to permit an additional two storeys in height for the westerly building from 15- to 17-storeys, the lifting of the Holding by-law, and Site Plan Approval. The revised submission also reflects a reduction in the number of units from 146 to 133, a reduction in floor space (F.S.I.) from 3.04 to 2.31; and a redeployment of density between the westerly and easterly building including enhanced building stepping for the westerly building and a reduction in height to four-storey for a portion of the easterly building.

The current scheme consists of two residential condominium buildings. The westerly building is a stepping 17-storey structure with a rooftop amenity area. The easterly building is 5- and 4-storeys in height. Two levels of underground parking connect the two buildings below grade. The main entrance and lobby are located on the south side of Palace Pier Court with a layby drop off.

A private mid-block roadway (right-of-way C) running north-south from Palace Pier Court permits entrance and lobby for the west building, garage entrance ramp and servicing, and three visitor car spaces which are intended to serve a small commercial component located in the ground floor of the west building adjacent to right-of-way C.

In addition to the proposed reduction in unit count and FSI, the revised submission includes a number of modifications intended to respond to staff concerns including:

1. elimination of circular drop-off at proposed entrance off of Palace Pier Court;
2. reconfiguring of east building to add a west wing to provide more of a street edge along Palace Pier Court;
3. a three-storey podium added to the Lake Shore Boulevard West frontage to harmonize with the street massing of the project to the south;
4. the west building has been moved substantially in a westerly direction to provide for right-of-way C and improve Lake Shore Boulevard West frontage; and
5. the previous scheme had two steps at the east end of the west building whereas now there are five steps in order to reduce building mass within the sky exposure.

The prominent building material will be precut stone, with the exterior design highlighted with coloured aluminum window frames.

Attachments Nos. 1 and 2 identify location and site plan reduction. Attachments Nos. 3, 4, 5, 6 are reductions of the building elevations.

The site data for the project as provided by the applicant are as follows:
Site Area: .5555 ha
Gross Floor Area: 18509 m²
F.S.I.: 2.31
Building Coverage: 2377 m² 42.8%
Landscaped Open Space: 2432 43.8%
Paved Area 745.9 13.4%
Number of Units 133
  1 bedroom 7
  2 bedroom 126

Building Height
West Building 61.2 m
East Building 20.0 m
Parking Required Residential 1.6 per unit = 213
  Retail 3 per 93m² = 3
  Total 216
  Provided 216

Site Plan Considerations:

Concurrent applications for Site Plan Approval on both the subject site and adjacent site (Intracorp) have provided an opportunity for staff to assess this project and site plan in a comprehensive manner in terms of key development criteria set out in the Official Plan and by-law.

The Motel Strip Plan and by-law provide for an internal mid-block north-south road network (i.e., right-of-way C) which is intended to organize access, provide views through the site, and separate building heights. This road is also intended to provide alternate access from Lake Shore Boulevard West. In the present proposal, Prombank have declined staff’s request to voluntarily provide access to the adjacent site (Intracorp) from Palace Pier Court across their property. This has rendered independent access from Lake Shore Boulevard West the only option for the adjacent Intracorp property.

Staff have worked with both applicants to secure the necessary private right-of-way C connection. Although staff would prefer that there is a single access from Palace Pier Court, serving both developments, the City Solicitor has advised that the City cannot compel the abutting owner to provide access, nor can they deny the existing right of access to Intracorp Properties on Lake Shore Boulevard West. Short of a City initiative to expropriate this road for public purposes, the present arrangement would be acceptable.

Both applicants have submitted traffic studies, which support the proposed access arrangement, which have been reviewed and found acceptable by Transportation Planning staff.

The plan provides that where an application is submitted on lands having less than 70 metres, the owner must satisfy Council that any remaining lands within the same urban block can be
developed in accordance with the development standards identified in 15.8.0 of the Secondary Plan. If this can be demonstrated, then development can proceed, notwithstanding the deficiency in frontage. Neither the Intracorp property, nor adjacent Prombank site is able to provide the 70-m frontage requirement on Lake Shore Boulevard West, which the Secondary Plan provides for in connection with new development.

In this instance, the ability of the abutting site to meet the guidelines has not been impacted by Prombank’s proposal. The Intracorp site meets the development standards and built form guidelines.

Given the narrow configuration of both the Prombank and Intracorp sites, which together just meet the minimum block frontage requirement of 70 m, it remains an important objective to secure an integrated and complementary design for both projects. The requirement for complementary three-storey podium elements on Lake Shore Boulevard West and low scale design on Waterfront Drive, assist in achieving this objective. Final elevations particularly with respect to the podium and east building will be subject to detailed review by Urban Design staff to implement an integrated design. It also is an important objective to maintain complementary building stepping to maintain openness and views through this narrow site. This matter is addressed in Attachment No. 8 (Compliance with Built Form Guidelines).

It remains an important objective to achieve pedestrian connection through the development sites. The applicant is proposing a walkway along the east side of Right-of-way C, connecting Palace Pier Court to the proposed public walkway on the north side of Intracorp that connects to Waterfront Drive. The desired level of design, lighting and maintenance would be implemented by a Section 41 Agreement under the Planning Act. It will also be a requirement of building permit approval to construct a new sidewalk along the south side of Palace Pier Court.

In addition, the applicant has agreed to provide a sidewalk along Palace Pier Court. As part of the detailed design review, staff have identified a concern respecting the proposed layby for the development and the impact on the sidewalk. Staff will be reviewing detailed plans of this frontage to ensure that the sidewalk is not interrupted.

The applicant will also be required to provide streetscape improvements along the Lake Shore Boulevard West frontage including new sidewalks, street light standards and other upgrading of the boulevard in accordance with a streetscape design presently being formulated by City staff, or otherwise provide for financial guarantee to ensure the same.

The proposed site plan is acceptable to all other departments.

Agency Comments:

In response to the circulation of plans submitted, Toronto Hydro, Canada Post, the Building Division, or Toronto Fire Services have expressed no objections.

The Technical Services Division of the Works and Emergency Services Department have noted that the developer will be financially responsible for all work proposed in the road allowances,
and will be required to provide services, sign an agreement and post financial guarantees as may be required.

There are existing watermains on both Waterfront Drive and Lake Shore Boulevard West to service this site. A sanitary sewer currently exists on an easement on Lake Shore Boulevard West, and an application is required for any new service connections.

It is noted that although there is a storm sewer on Lake Shore Boulevard West, this was designed to only accommodate flow from the road itself. There is no storm sewer abutting the site on Waterfront Drive. The applicant therefore has been requested to submit a stormwater management/servicing report and proposal, which is a requirement of the lifting of the ‘H’ Holding designation.

The applicant will be required to provide streetscape improvements along the Lake Shore Boulevard West frontage including new sidewalks, street light standards and luminaries, and other upgrading of the boulevard in accordance with the streetscape design presently being formulated by City staff, or otherwise provide for a financial guarantee to ensure the same.

Details concerning solid waste management, including recycling, remain outstanding and must be addressed to the satisfaction of the Solid Waste Management Services Division of the Works and Emergency Services Department. The architect must verify the internal storage/conveyance of waste and recyclables from the tower and waterfront buildings. A proposal for the waste generated from the commercial component of the development is also required. The site plan should be revised to provide for a slightly larger storage area for the collection of waste and recyclables.

All of the foregoing is included as conditions to approval of this development.

The Toronto Catholic District School Board notes that although they do not object to the application, they express concern regarding the overcrowding and lack of permanent facilities at Bishop Allen Catholic Secondary School.

They also indicate that students generated by the proposal could be accommodated in permanent facilities at St. Marks Catholic School (J.K-8). The Toronto District School Board has yet to comment on the application.

The staff of the Toronto Board has verbally indicated that, although the need for additional school facilities is not anticipated, a cash contribution for future capital costs may be required. A formal comment should be available for the community meeting. Staff notes that one of the conditions to the lifting of the ‘H’ Holding by-law, requires the approval of both school boards.

Parks and Recreation Services note that parkland dedication requirements for this proposal are to be based on .5 ha per 300 units and taken as cash-in-lieu. This is a condition to be fulfilled prior to the issuance of a building permit.
The Toronto Region Conservation Authority has no objection to the lifting of the ‘H’ symbol from By-law No. 1994-197 subject to the following conditions:

(1) the applicant obtaining all necessary permits under Ontario Regulation 158;

(2) the applicant submitting a stormwater management report, to the satisfaction of the Toronto; and

(3) the applicant submitting landscaping plans to the satisfaction of the Toronto Region Conservation Authority.

All of these matters are conditions to approval of this report.

Community Meeting:

In accordance with the review process set out in the Secondary Plan, a community meeting was held on May 4, 1999. Staff notes that at that time, the applicant was proposing a 15-storey building, and 5-storey component at the water’s edge, and a total of 146 units. The main issues related to potential traffic impacts on Lake Shore Boulevard West and Palace Pier Court, and the need to maintain and not exceed density levels in the Official Plan.

In this regard, staff notes that there is a comprehensive traffic plan in place that indicates there is sufficient capacity to meet the needs of all new development. Each application is required to be accompanied by a traffic impact study and the traffic along Lake Shore Boulevard West will be reviewed on an ongoing basis in the context of these studies. The traffic study submitted in conjunction with this application is generally acceptable to Transportation Planning staff.

In terms of density, the project has been reduced from 146 to 132 to meet the requirement of the by-law, and overall F.S.I. has also been reduced from 3.04 to 2.31.

The condominium associations at Palace Place and Palace Pier are strongly opposed to the Right-of-way C connecting to both the Intracorp and Prombank sites, the proposed two full entrances on Palace Pier Court, and the height of the proposed building fronting onto Waterfront Drive. It was also strongly suggested that the commercial component located adjacent to Palace Pier Court in the ground level of the westerly building, be eliminated unless adequate parking could be provided, and that a public walkway should be provided along the entire Palace Pier Court frontage.

In response to the above, staff note that Right-of-way C is now only proposed to service the Prombank property, and the full access on Palace Pier Court has been reduced to a layby, to address concerns expressed at the meeting. The applicant has also agreed to provide a sidewalk on Palace Pier Court and include three parking spaces off Right-of-way C to serve the proposed commercial component, in accordance with by-law standards.
With respect to the building height of the east block, staff note that the proposed four and
five-storey low profile building, is already substantially below the maximum height limit
permitted in By-law No. 1994-197, and no further height reduction is proposed.

Built Form Guidelines:

Staff have reviewed the proposal within the context of the built form guidelines set out in
Appendix A of the Official Plan, which are intended to assist in establishing the deployment and
massing of density and the condition in which higher building elements may occur; protecting
the public realm from the impact of private development; and defining the street structure to
distinguish between public and private parts of the area.

Statements of the design principles represented by the guidelines are included within the plan as
Section 15.8.4 to 15.8.9 and include building orientation, street structure, height, and view
corridor. Staff emphasizes that it is intended that development applications be in conformity
with the design principles and guidelines included as Appendix A. The guidelines are included
as an Appendix due to their technical nature and to permit a degree of flexibility while achieving
the design objectives outlined in the Plan. An assessment of this project’s compliance with the
built form guidelines is included as Attachment No. 8.

The proposal now generally meets most of these guidelines in principle, and includes appropriate
street structure through the provision of the required 20-metre private Right-of-way C, and the
introduction of important pedestrian links along Palace Pier Court and Right-of-way C
connecting to the water’s edge. In responding to the requirement of providing a build-to
condition/street frontage requirement, a three-storey podium is proposed along
Lake Shore Boulevard West. Relocation of the east building closer to the street line is proposed
to create a better defined street edge, and reconfiguring the east building to add a four-storey
wing is proposed to create some ground and street related use along Palace Pier Court. The
project also generally meets the prescribed street-wall height guidelines to achieve an acceptable
grade relationship both on Waterfront Drive and Lake Shore Boulevard West. The project also
generally meets the setback requirements of the by-law and built form guidelines with the
exception of the setback required above the 40-metre height level on Lake Shore Boulevard West
and the encroachment of the exhaust/air intake system within the two-metre setback requirement
on Lake Shore Boulevard West and on Palace Pier Court. The applicant will be required to
address these matters as part of their revised plan.

The major areas of concern with respect to the built form guidelines and design principles for the
revised submission relate to building height and the provision of adequate sky exposure. In this
regard, since the community meeting in May, staff has been working with the applicant’s
consultants to address concerns raised by residents and staff. Specifically, the Palace Pier
residents to the north were concerned over the height of buildings adjacent to Waterfront Drive,
the proximity of the building to Palace Pier Court, and staff were seeking closer compliance with
the built form guidelines in Appendix A in a number of areas. As a result, the applicant has
brought various iterations of the development forward for staff review. A number of significant
improvements to the proposed development have been achieved. These include:
(1) resolution of the location of Right-of-way C;

(2) elimination of circular drop-off at entrance off of Palace Pier Court;

(3) introduction of three visitor parking spaces;

(4) reconfiguration of the east building to add a west wing to provide more street frontage along Palace Pier Court;

(5) a larger landscaped courtyard and expanded drop off to the east building;

(6) a three-storey podium added to the west building to harmonize with the street massing of the project to the south;

(7) the shifting of the main wall of the west building in a westerly direction to open up the site massing;

(8) increasing the stepping in the west building to five steps from two to open up the site massing; and

(9) the shifting of the east building closer to the street line to create a better defined street edge.

Throughout this process, it has proven difficult for the applicant to achieve the absolute guidelines of the Appendix, and address the concerns of staff and the adjacent residents. It is important to note that the subject site has a number of unique characteristics, which need to be considered when applying the Built Form Guidelines.

The site is beside the Palace Pier buildings, which are 46 and 50 storeys in height, putting the site in a transitional zone between the existing development and the new vision for the area. In addition, given the configuration and shallow depth of the site, it is difficult for the applicant to meet the absolute guidelines in the Appendix and still achieve the building type being proposed. Notwithstanding this, staff has to be cognizant of the desire to achieve the objectives of the Plan, particularly with regard to height and street relationship.

In response to staff concerns, the applicant has proposed an additional two storeys to the west building in order to meet the 50 percent sky exposure guideline. Strict adherence to the guideline necessitated additional and broader stepping in the west building. In order to maintain the permitted GFA, the proposal redeployed the eliminated floor area by increasing the height by two storeys. It should be noted that there remains unused buildable space within the permitted building envelope at grade along Palace Pier Court.

The current application was circulated for comments to the relevant agencies. Subsequently, a number of concerns have been raised regarding the extra height and the precedent setting nature of the increase, and the need to respect the standards of the by-law.
It is acknowledged that the increased height results in a very small percentage of the total GFA, and represents only six units, and results in a lower building on the easterly portion which could otherwise be ten storeys based on the provisions of the Secondary Plan.

In light of these comments and upon further review, although encouraged by the attempts of the applicant to meet the guidelines based on staff comments, staff would prefer if the density was deployed in a manner which meets the height limit of 15 storeys.

This would, however, require either a redeployment of density on the east block, which is already five storeys, or a reconfiguration of the west building, through a larger footprint closer to Palace Pier Court or a reduced sky exposure.

Increasing the height of the easterly building is not considered a practical solution given the desire to preserve a relatively low profile by the water’s edge, the ability of the current proposal to meet a number of objectives, and the concerns expressed by the abutting neighbours.

In addition, in light of the applicant’s proposed treatment along Palace Pier Court, the only other opportunity would appear to be to consider less sky exposure. It is noted that, unlike the height limit, which is a prescriptive standard set out in the Official Plan and by-law, the sky exposure is included as an Appendix to the Official Plan, and therefore, some degree of flexibility is provided for if the proposal still meets the intent of the guidelines.

Based on the foregoing discussion, staff have attempted to achieve a balance between the practical needs of the applicant, various concerns of the residents, and staff’s desire to respect the critical elements of the Built Form Guidelines, and existing height limits in the Official Plan and by-law. In our opinion, a more effective solution would be an attempt to eliminate the extra two storeys and re-deploy the density on the west building. The guidelines contain enough discretion for staff to facilitate an acceptable resolution within the parameters of the Plan, without the necessity for greater height.

Holding Provisions:

By-law No. 1994-197, Schedule F, contains a number of holding provisions, which must be satisfied prior to the deletion of the ‘H’ holding symbol from the by-law, and final site plan approval. The applicant’s progress in fulfilling these conditions which, among other matters, provide for submission of environmental studies (soil, noise, air quality), confirmation of the adequacy of school facilities to serve the development, payment of Parks levees, resolution of servicing issues, and confirmation that the project meets the Built Form Guidelines set out in Appendix A of the Official Plan, is detailed in Attachment No. 9 to this report. In this regard, it is noted that staff is in receipt of all of the required environmental studies, which are currently being reviewed by the appropriate departments and agencies. Resolution of the Park levy as well as confirmation from the appropriate school board that accommodation is suitable, is also outstanding. In view of the foregoing, it remains premature to lift the hold until these matters are finalized, and appropriate recommendations are included in the development agreement.
Conclusions:

Staff is recommending removal of the holding designations and site plan approval subject to the conditions outlined below including the submission of revised plans implementing the recommendations of this report.

Conditions to Approval:

1. Submission of revised plans showing a reduction in building height of the westerly building from 17 to 15 storeys in accordance with the maximum height limit in By-law No. 1994-197 and which meets the intent of the sky-exposure provisions of the Built Form Guidelines to the satisfaction of the Director of Community Planning, West District.

2. Confirmation that Holding Provisions contained with Schedule ‘F’ of By-law No. 1994-197 have been addressed by the appropriate authority.

3. Approval by Council of a by-law to lift the ‘H’ Symbol from the subject property.

4. Signing of a Development and/or Servicing Agreement and the payment of the necessary fees associated with the preparation, registration and execution of same.

5. Submission of a revised site plan to the satisfaction of Urban Development Services which provides for:
   (i) removal of the underground garage from encroachment within the easement on Lake Shore Boulevard West; and
   (ii) the applicant to enter into an agreement (Section 41) to provide for a pedestrian walkway, maintenance, design and lighting along the east boundary of the property.

6. Submission of a landscaping plan detailing fencing, curbing, walkways, grading and proposed and existing plantings to the satisfaction of the Staff Advisory Committee on Development Control and the posting of an appropriate financial guarantee to ensure compliance with the approved plans.

7. The developer to pay the prevailing development charges in effect at the time of building permits, and payment of a cash-in-lieu of parkland contribution at the rate of 0.5 ha/300 units.


9. Confirmation that the project meets barrier-free design standards.
(10) Signing of a Site Control Agreement and payment of the necessary fees associated with the preparation, execution and registration of same.

(11) Confirmation that the site plan is acceptable to Toronto Fire Services, Toronto Hydro, Canada Post, Toronto Region Conservation Authority, and Works and Emergency Services.

Contact:

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Site Plan
Applicant's Submitted Drawing

2063-2065 Lake Shore Blvd. West
File # ECC-2286/2000.2.24A

Exhibit 1
Sky Exposure Plan
2063-2065 Lake Shore Blvd. West
Applicant's Submitted Drawing

Not to Scale

File # ECC-Z2286/2000.2.24E

Exhibit 5
The following comments address the issue of compliance of the proposed development with the Built Form Guidelines included as Appendix A of the Secondary Plan, and as generally described by the urban design principles outlined in sections 15.8.4 -15.8.9 of the Plan.

A. Building Orientation

The Built Form Guidelines anticipate new developments within the Humber Bay Shores community will be oriented to reduce the potentially adverse impacts of noise and wind on adjacent open space, and to maximize solar penetration through the site. New developments are also intended to assist in creating continuity of streetscape. In this regard the proposed development generally complies with the Guidelines. However, the relationship of the proposed development to Palace Pier Court raises other built form issues pertaining to building mass, which are discussed below.

B. Street Structure

(i) Street Pattern / Access:

It is the intention of the Plan and the Built Form Guidelines that primary address and access for the Humber Bay Shores community be provided by a public street system comprised of Lake Shore Boulevard, Waterfront Drive and a series of east-west streets connecting the two. Palace Pier Court is viewed as an integral part of this street system. In addition, general points of access to the development sites are to be provided from a north-south mid-block 20 metre wide Right-of-way C which also delineates the higher and lower building height zones to its west and east respectively. Within the subject development site and on the adjacent property, this Right-of-way C is a private easement.

The development provides the required 20-metre Right-of-way C and proposes all vehicle and servicing access be taken from it. However, a number of structural elements pertaining to access and servicing encroach on the 20-metre zone. These include three parking stalls for the proposed at-grade café, and portions of both the underground access ramp and the loading dock. While generally not envisaged in the Guidelines, staff are prepared to accept these encroachments as part of the private functions within the Right-of-way. This is provided and as agreed with the applicant, that a two metre wide pedestrian sidewalk is provided along the east side of Right-of-way C connecting the public sidewalk on Palace Pier Court to the sidewalk proposed on the adjacent property to the south. This sidewalk should remain publicly accessible at all times although it is anticipated most pedestrian traffic along this portion of Right-of-way C will be generated by the proposed development.
A pedestrian entrance with canopy and an associated vehicle lay-by on Palace Pier Court is proposed to provide a public street address for the building on the west block. The construction of this lay-by will impact on existing street trees. It will also necessitate a jog in the public sidewalk to be constructed adjacent to the north side of the development, both of which will impact the continuity and the integrity of the Palace Pier Court streetscape. It is therefore recommended that design solutions be explored for providing the necessary space for drop-off to this development while maintaining the continuity of the sidewalk along the south side of Palace Pier Court.

(ii) Build-to Condition / Street Frontage Requirement:

The Built Form Guidelines require that new development generally be oriented along street edges to spatially define the pattern of new streets and access easements. This requirement is defined as a build-to condition and is a priority on Lake Shore Boulevard and on streets linking Lake Shore Boulevard to Waterfront Drive. A minimum street frontage requirement also applies to east-west streets connecting Lake Shore Boulevard to Waterfront Drive. This provision requires that 75 percent of the frontages along these streets meet a build-to line.

The proposed development complies with the build-to condition in the Guidelines as pertaining to the Lake Shore Boulevard frontage. However, the proposed development does not meet the minimum 75 percent street frontage requirement along Palace Pier Court. This aspect of the Built Form Guidelines is viewed as fundamental to achieving the new street structure and the ground relatedness necessary to meet the height limit set out in the zoning by-law for the west development block, as well as the sky exposure requirement in the Built Form Guidelines. However, the applicant has requested a more flexible application of this guideline to the subject property. This is based on the position of the property between the existing Palace Pier community and the emerging new neighbourhood and the generous landscape setback that exists on the north side of Palace Pier Court. It is the opinion of staff that less than the 75 percent street frontage requirement should only be permitted along Palace Pier Court provided that, a build-to condition is achieved where the proposed development meets the north-south streets defining the development blocks (Lake Shore Boulevard, on either side of Right-of-way C, and Waterfront Drive).

(iii) Ground Relatedness:

It is the intent of the Guidelines that building mass deployed at-grade is maximized in the areas of lower building height. This is to achieve the desired street structure, and to comply with the maximum building heights allowed.

The proposed development provides good ground-relatedness both along Lake Shore Boulevard and Waterfront Drive. On Lake Shore Boulevard, the applicant has agreed to provide a three-storey podium to be generally consistent with the height of the podium proposed on the adjacent development site to the south. On Waterfront Drive, the development proposes a five-storey structure that meets the maximum
C. Height

(i) Building Height:

It is the intention of the Plan that buildings generally be constructed with the tallest elements adjacent to Lake Shore Boulevard and scaling down in height to the water’s edge. This is important in order to achieve satisfactory sky exposure and sunlight penetration and to preserve a suitable pedestrian scale and environment on adjacent public streets and rights-of-way. This building form has the additional benefit of maximizing potential views to Lake Ontario and the downtown from within development sites.

The proposed maximum building height of 54 metres along the Lake Shore Boulevard frontage of the development (excluding allowable mechanical and amenity space above this height), exceeds the maximum allowable building height for this block by nine metres. In order to improve the sky exposure for the proposed building on the west block the applicant has chosen to move density lost through additional stepping of the building, to above the 45 metre maximum height limit. The applicant has been advised that the two additional floors should be redeployed elsewhere on the site.

The 21.3 metre height proposed for the five-storey building adjacent to Waterfront Drive is well below the permitted 30 metre maximum building height established for this portion of the site.

(ii) Street Wall Height:

The Built Form Guidelines require that building elements fronting onto Lake Shore Boulevard, Waterfront Drive and east-west connecting streets not exceed 20 metres in height without setbacks. This requirement establishes a maximum street wall height to ensure an appropriate at-grade relationship between buildings and public spaces, including the microclimatic conditions on adjacent streets.

The proposed development does not exceed the maximum allowable street wall height on Lake Shore Boulevard or on Waterfront Drive. Along Palace Pier Court the proposed buildings generally do not exceed the maximum allowable street wall height. However, at the northwest corner adjacent to Palace Pier Court, the proposed three-storey podium is only 11 metres high, which is slightly below the minimum street wall height of 12 metres for east-west streets. This represents a minor inconsistency with the Guidelines.
(iii) Minimum Setbacks:

In accordance with the Built Form Guidelines, the zoning by-law establishes minimum setbacks from public streets (roads) and rights-of-way for building elements at prescribed height intervals.

The Lake Shore Boulevard face of the proposed development meets the required two-metre setback from the public easement. The proposed building on the west development block provides for the additional three-metre setback for building elements between 20 and 40 metres in height. However, a further setback of three metres above the 40-metre height is not provided. At the northeast corner of the proposed development adjacent to Palace Pier Court, less than the required eight-metre setback is provided from the property line for the portion of the building face above 40 metres in height.

On the east development block minimum setbacks are provided on both the Palace Pier Court and Waterfront Drive frontages of the proposed building. Staff have agreed to allow for a maximum setback of 11 metres from the west curb of Waterfront Drive to the building face to allow for at-grade terraces along the east face of the building, provided the location of railings and landscaping are located to define the build-to line envisaged in the Guidelines for Waterfront Drive.

It is to be noted that both the proposed intake and exhaust vent encroach on the required minimum setbacks on Lake Shore Boulevard and Palace Pier Court respectively.

(iv) Sky Exposure:

The Built Form Guidelines allow up to 50 percent of the available buildable area (measured in an east-west direction), above the maximum 20-metre street wall height, to be filled by taller building elements. This area is referred to in the Guidelines as sky exposure. The purpose of this is to ensure adequate sunlight and sky views are preserved as development occurs over time.

Considerable time was devoted to discussions with the applicant to consider options for reconfiguring the proposed building on the west block in order to improve the sky exposure on this portion of the site. Staff considered not only the objective of the Guidelines to meet 50 percent sky exposure, but also the desire to ensure a building form that is compatible with the adjacent proposed development to the south. In this regard, considerable progress has been made from the initial submission for this development to the revised application. Staff note that an increase in the depth of each step on the east face of the west building will further increase the sky exposure and will enhance the neighbouring relationship of this building with the proposed development immediately south.

While the applicant has chosen to increase the overall height of the proposed building on the west block as a means of re-deploying the density lost through increased stepping of this building to better meet the sky exposure requirement in the Guidelines, this is not the
option preferred by staff. Conformity with the Built Form Guidelines requires that this density be redeployed on the site including the possibility of increasing the ground-relatedness of the development to assist in defining the new street structure for the neighbourhood.

The proposed development complies with the maximum horizontal dimension (measured in a north-south direction) for building elements facing Lake Shore Boulevard above the 20-metre height.

D. Public Open Space

(i) Waterfront Public Amenity Area:

The proposed development generally supports the establishment of Waterfront Drive as an important public link along the waterfront within this area, allowing for the development of the seven-metre wide sidewalk/streetscape area envisaged in the Guidelines for the west side of Waterfront Drive. The facing condition of the proposed development on the east block also reinforces the importance of Waterfront Drive as a public street. In this regard, proposed at-grade terraces adjacent to Waterfront Drive should convey a “front yard” condition to enhance the aesthetic and streetscape quality of Waterfront Drive.

(ii) Streetscape / Landscaping:

Staff will be reviewing the proposed landscape plans for this application when submitted to ensure the City’s requirements are met for streetscape improvements along Lake Shore Boulevard and Waterfront Drive and for other proposed open space amenity areas within the subject property. The provision of final landscape plans satisfactory to City staff will be a necessary condition of site plan approval.

City staff in consultation with Toronto Hydro, Works and Emergency Services and the Toronto Transit Commission is developing a streetscape plan for Lake Shore Boulevard from Palace Pier Court to Parklawn Road now. The intent of the streetscape plan is to ensure continuity in streetscape design throughout the Humber Bay Shores neighbourhood through consistency in the selection and use of streetscape materials. A major objective of the plan will be to accomplish a “greening” of Lake Shore Boulevard and an improvement to its aesthetic condition adjacent to the development area. From a design perspective, the proposed location of the intake and the exhaust vent on the Lake Shore Boulevard and Palace Pier Court frontages respectively, is a concern. The proposed streetscape for Palace Pier Court will also be reviewed in the context of concerns previously outlined pertaining to the proposed lay-by and the consequent loss of City trees and jogs in the alignment of the new public sidewalk along the south side to accommodate the lay-by.
E. View Corridors

By virtue of its location within the larger development area, the proposed development is not affected by provisions pertaining to the required 20 metre Regional View Corridor illustrated in Figure 10 of the Built Form Guidelines, or to additional setbacks and landscaping standards within the Guidelines established specifically to preserve views through the development area to the water’s edge. These additional standards apply primarily to Right-of-way D and the Village Court area defined in the Guidelines.

(Attachment No. 9)

Holding Provisions

By-law No.1994-197, Schedule F, contains a number of holding provisions, which must be satisfied prior to the deletion of the 'H' holding symbol from the by-law. The applicant's progress in fulfilling these conditions is outlined below.

1. The adequacy of school facilities, or the availability of school sites, to serve the development site and the existing, cumulative development which exists or which is approved at the time of consideration of the development proposal.

Staff have been advised that the Board of Education for the former City of Etobicoke will consider this matter shortly. Although it is not anticipated that a school site would be required at this time, financial contributions for future capital costs may be required. Although the Toronto Catholic District School Board does not object to the application they have expressed concern regarding overcrowding and lack of permanent facilities at Bishop Allen Catholic Secondary School. Students generated by the proposed development could be accommodated in permanent facilities at St. Marks Catholic School (JK-8). Prior to the submission of a by-law to lift the hold, staff will ensure these matters are resolved, and agreements are in place to guarantee the same. Finalization of this matter is a condition of this report.

2. The sufficiency of municipal or Metropolitan infrastructure, including sewer, water, road, transit and park networks serving the development site.

Services including sanitary sewer and watermain on Waterfront Drive were installed under the Canada-Ontario Infrastructure Works program. In this instance, the project will be served by the watermain on Waterfront Drive and storm sewer abutting the property on Palace Pier Court. The applicant is in the process of signing a Development Agreement, which among other matters will set out timing, fees and service requirements. A traffic study has been submitted by Cansult and is currently being reviewed by Transportation Division of Works and Emergency Services. Confirmation of the acceptability of the study and incorporation of any requirements into necessary agreements is a condition to the lifting of the ‘H’ symbol.
(3) Compliance of the redevelopment proposal with the requirements of the Urban Design Guidelines in Appendix A and the principles and procedures outlined in Section 15.8.0 of Official Plan Amendment No. C-65-86.

This project is generally in accordance with the Built Form Guidelines contained in Appendix A of the Official Plan, subject to:

(i) a reduction in building height on the westerly building from 17 to 15 storeys in accordance with the maximum height limit in By-law No. 1994-197; and

(ii) submission of a revised plan which meets the intent of the sky-exposure provisions of the built form guidelines to the satisfaction of the Director of Community Planning, West District;

(4) The submission to, and approval by, the City, the Ministry of the Environment and Metropolitan Toronto and Region Conservation Authority, of individual stormwater management plans, as outlined in Section 15.9.4 Stormwater Management of Official Plan Amendment No. C-65-86, and the owner or owners have entered into a legally binding agreement or agreements with the City to guarantee the implementation of the recommendations.

The applicant has submitted a Stormwater Management Report prepared by Al Underhill and Associates Limited. As this site will not drain to the water quality facility for Humber Bay Shores, water quality will have to be treated on site. Toronto Region Conservation Authority has no objection to the lifting of the ‘H’ symbol subject to:

(i) the applicant obtaining all necessary permits under Ontario Regulation 158;

(ii) the applicant submitting a stormwater management report, to the satisfaction of the Toronto Region Conservation Authority which addresses the matter of on-site water quality treatment; and

(iii) the applicant submitting landscaping plans to the satisfaction of the Toronto Region Conservation Authority.

(5) The submission to, and approval by, the City and the Ministry of the Environment of the soil quality, hydrogeological and geotechnical study or studies as outlined in Section 15.9.5 Soil Management of Official Plan Amendment No. C-65-86, and the execution by the development proponent and/or owner(s) of the lands of legally binding agreement or agreements with the City to guarantee the implementation of the recommendations.

The applicant has submitted soil studies, with geotechnical, and hydrogeological remaining outstanding. Relevant studies have been forwarded to the Ministry of Environment and Works and Emergency Services Department for their
review. Relevant recommendations will be required to be incorporated in the development agreement for this site.

(6) The submission to, and approval by, the City and the Ministry of the Environment of the acoustic and air quality study or studies as outlined in Section 15.9.6 Noise and Air Quality of Official Plan Amendment No.C-65-86, and the execution by the development proponent and/or owner(s) of the lands of legally binding agreement or agreements with the City to guarantee the implementation of the recommendations.

Staff are in receipt of an air quality study by Jacques Whitford, Consulting Engineers/Environmental Scientists, and acoustic study by Valcoustics. Confirmation of their acceptability and incorporation of any relevant recommendations into the development agreement is necessary prior to the lifting of the holding provision. Staff note that the applicant is required to consult with Christies Biscuits in terms of their existing and planned level of expansion in assessing the acceptability of these studies.

(7) The submission of any required financial contributions, including parkland contributions, and development levies.

A special development charge is to be applied to the Humber Bay Shores development at the time of building permits. Parkland levies at a rate of 0.5 ha per 300 units are also required prior to the issuance of building permits.

(8) The acquisition, by a public body, of all land required to accommodate the Waterfront Public Amenity Area, the Waterfront Drive and the Stormwater Management facilities including the water quality pond.

All of the land required to accommodate the Waterfront Public Amenity, including stormwater management facilities and water quality, have been secured through agreement, dedication or expropriation.

The Etobicoke Community Council reports, for the information of Council, also having had before it, during consideration of the foregoing reports, the following communications:

(i) (March 8, 2000) from Ms. Jane Pepino, Aird and Berlis, advising that they will be appearing at the public meeting on March 23, 2000, on behalf of Prombank Investments Limited, with respect to the reference to the proposed public walkway contained in the report dated February 24, 2000 from the Director, Community Planning, West District;

(ii) (March 10, 2000) from Mr. Brian E. Schoenroth, expressing concern that an addition to the height of the development would detract further from the property values and quality of life in surrounding residences such as the Palace Pier;
(iii) (March 20, 2000) from Ms. Grace Robinson respecting the applications by Intracorp Developments Limited and Prombank Investments Limited; advising that they are totally against the lifting of the provisions and allowing for new permits; that the light and their view of the lake will be blocked, their property value will decline and that there is already too much traffic on the Palace Pier court; and that they are prepared to take the City and the developers to court if they go ahead with the proposed changes.

(iv) (March 21, 2000) from Mr. Michael Harrison, President, Citizens Concerned About the Future of the Etobicoke Waterfront, submitting comments in support of the staff recommendations, subject to the reduction in height from 17 to 15 storeys, and other conditions; and advising of the importance of a barrier free, accessible development that allows for the free movement of people including the general public.

(v) (Undated) from Ms. Ilona Bacal expressing strong concerns regarding the proposal, as a resident and condominium owner at the Palace Pier, for reasons of a possible decrease in property value because of the blocked view, traffic congestion, closed off view of the sky if the building rises another two floors, the effect on the air quality and the oversaturation of the residential area.

The following persons appeared before the Etobicoke Community Council in connection with the foregoing matter:

- Ms. Jane Pepino, Aird & Berlis, on behalf of the applicant;
- Ms. Ilona Bacal;
- Dr. D. Abbott;
- Dr. M. Yazdanian; and
- Mr. J. Clayton.

(City Council on April 11, 12 and 13, 2000, had before it, during consideration of the foregoing Clause, a communication (March 24, 2000) from Mr. Frank Vona, expressing opposition to the proposed Zoning By-law Amendment and Site Plan Approvals with respect to Files Nos. Z-2286 and Z-2304 (Lakeshore-Queensway)).