# M TORONTO

# STAFF REPORT ACTION REQUIRED

3526 Lake Shore Boulevard West - Zoning By-Law Amendment, Draft Plan of Subdivision and Site Plan Control Applications – Request for Direction Report

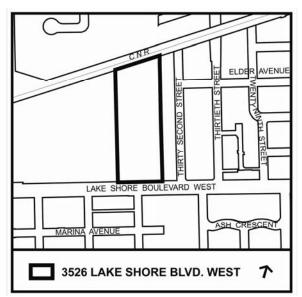
Date:	November 9, 2017
То:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 6 – Etobicoke-Lakeshore
Reference Number:	15 170337 WET 06 OZ 15 173350 WET 06 SB 16 269688 WET 06 SA

# SUMMARY

The Zoning By-law Amendment application proposes to amend the former City of Etobicoke Zoning Code to permit the construction of 415 residential units in a series of standard and stacked townhouse blocks and to permit retail uses along the Lake Shore Boulevard West frontage. The Draft Plan of Subdivision would create 7 blocks that would eventually accommodate a residential townhouse development, including two public roads and a public park.

The applicant has appealed the proposed Zoning By-law Amendment, Draft Plan of Subdivision and Site Plan Control applications to the Ontario Municipal Board (OMB), citing City Council's lack of decision on the applications within the time frames specified in the *Planning Act*.

This report recommends the City Solicitor, together with appropriate City staff, attend the OMB hearings in support of a settlement to the appeal of the above applications as outlined in the report, provided the outstanding issues are resolved to the City's satisfaction.



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## 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 (OMB) hearings in support of a settlement to the appeal of the Zoning By-law Amendment, Draft Plan of Subdivision and Site Plan Control applications for 3526 Lake Shore Boulevard West, as outlined in the report (November 9, 2017) from the Director, Community Planning, Etobicoke York District, provided the outstanding issues outlined in this report be adequately resolved.
- 2. In accordance with the delegated approval under By-law No. 229-2000, as amended, City Council be advised that the Acting Chief Planner and Executive Director, City Planning intends to authorize the City Solicitor to support a settlement of the proposed Draft Plan of Subdivision (Application Number 15 173350 WET 06 SB), including appropriate conditions of subdivision approval, provided the outstanding issues outlined in this report are adequately resolved.
- 3. City Council direct the City Solicitor, together with City Planning staff and any other appropriate staff to continue discussions with the applicant to resolve the outstanding issues with the proposal and if the issues cannot be resolved, to return to seek further direction from City Council.
- 4. In the event the Ontario Municipal Board (OMB) allows the appeal in whole or in part, City Council direct the City Solicitor to request that the OMB withhold its Order approving the Zoning By-law Amendment until:
  - a. The owner submits, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, updated Functional Servicing, Hydro Geological and Stormwater Management Reports;
  - b. The owner makes satisfactory arrangements, including entering into a financially secured agreement with the City, with Engineering and Construction Services staff for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to this infrastructure to support this development, according to the Functional Servicing Report to be accepted by the Chief Engineer and Executive Director of Engineering and Construction Services;
  - c. The owner submits, to the satisfaction of the General Manager, Transportation Services, an updated Transportation and Traffic Impact Study and make satisfactory arrangements for improvements as required;

- d. The City and the owner present to the OMB a draft Zoning By-law Amendment to the satisfaction of the City Solicitor and Acting Chief Planner and Executive Director, City Planning; and
- e. The owner submits to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, an updated public road network that meets the City's Development Infrastructure Policy Standards requirements.
- 5. In the event the Ontario Municipal Board (OMB) allows the appeals, in whole or in part, City Council direct the City Solicitor to request that the OMB withhold its Order on the Site Plan Control application pending the following matters being addressed:
  - a. The conditions of Site Plan approval being finalized to the satisfaction of the Acting Chief Planner and Executive Director, City Planning; and
  - b. The applicant satisfying all pre-approval conditions, including entering into and registering a Site Plan Agreement pursuant to Section 41 of the *Planning Act* and Section 114 of the *City of Toronto Act*, 2006 with such Agreement to include the Conditions of Site Plan Approval.
- 6. In the event the Ontario Municipal Board (OMB) allows the appeal in whole or in part, City Council direct the City Solicitor to request the OMB to withhold its Order approving the Draft Plan of Subdivision until the City and the owner present the OMB with Draft Plan of Subdivision Conditions to address the technical requirements of the development including among other matters, the construction of streets and services, tree protection and planting and grading as determined by the Acting Chief Planner and Executive Director, City Planning.
- 7. City Council determine that in the event the proposal in some form is approved by the Ontario Municipal Board, that on-site parkland dedication pursuant to Section 42 of the *Planning Act* be required as described in this report on the north side of the proposed east-west street free and clear of encumbrances above and below grade with frontage on Street "A" and all to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- 8. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks Forestry and Recreation, and the Parks and Recreation component

of the development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

9. 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**

Site and Area Specific Policy No. 23 (SASP 23) of the Official Plan applies to the industrial lands north of Lake Shore Boulevard West and south of the CN rail corridor, between Thirty Second Street and Brown's Line (a total of 17 hectares), and includes the 3.99 hectare site that is the subject of these applications. SASP 23 evolved from the Central/Western Lake Shore Area Secondary Plan which was approved in 1993 as part of the former City of Etobicoke Official Plan. It envisioned the area's eventual transformation to a residential and/or mixed-use area. SASP 23 provides for up to 2,200 housing units in the policy area.

On September 8, 2015 Etobicoke York Community Council adopted a Preliminary Report on the Zoning By-law Amendment application for the subject lands. Etobicoke York Community Council directed that City Planning staff schedule a community consultation meeting with the Ward Councillor with an expanded notification area and that notice for the public meeting be given according to the regulations under the *Planning Act*. The Preliminary Report is available at: http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82831.pdf

On May 16, 2017, the owner appealed the Zoning By-law Amendment, Draft Plan of Subdivision and Site Plan Control applications to the Ontario Municipal Board, citing City Council's failure to make a decision within the time frames prescribed by the *Planning Act*. A Pre-Hearing Conference for the appeals is scheduled for January 3, 2018, to establish the parameters and the future date of the OMB hearing.

Notwithstanding the appeals, Planning staff have continued discussions with the applicant regarding the concerns and issues outlined in the Preliminary Report.

## **ISSUE BACKGROUND**

#### Proposal

The originally submitted applications proposed 421 residential units of which 351 units were proposed to be stacked townhouses, 36 units would be on-street townhouses and 34 units would be walk-up apartments. A 0.302 hectare public park and three public roads were also proposed.

The current applications propose 415 residential units of which 380 units would be stacked townhouses and 35 units would be street townhouses organized around the

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originally submitted public street network and a public park. There is also 879m<sup>2</sup> of commercial space proposed along the Lake Shore Boulevard West frontage located on the ground floor of a 4 and a half storey building as indicated on Attachment 1 (Site Plan). In total, 10 of the units would contain 1 bedroom, 354 would contain 2 bedrooms, and 51 would have 3 bedrooms. 517 parking spaces would be provided, of which 60 would be for residential visitors and 24 would be for the use of the five retail units on Lake Shore Boulevard West.

The proposed stacked townhouse units would be 4-storeys in height and blocks 5 to 12 would front onto a proposed public street that would connect to Elder Avenue to the east. The proposed street townhouses would be 3-storeys in height fronting the new public street.

The public street is proposed to end in a cul-de-sac at the north end of the development. Surface parking spaces are proposed along the northern section of the development within the 30 metre setback required by Metrolinx for residential development adjacent to the abutting rail corridor. The 30 m setback from the rail corridor would contain a reinforced landscaped berm as required for residential developments adjacent to Metrolinx rail corridors.

The proposed public park would form the eastern extent of the linear public park designated in the Official Plan in Site and Area Specific Policy 23 (SASP 23).

North and east of the park would be seven blocks of stacked townhouses, oriented in both an east-west and north-south direction. Three blocks would front onto the new public road and four blocks would be located adjacent to a private road. On the east side of the public road would be five blocks of street townhouses that would front directly onto the public road and back onto the backyards of the existing dwellings on Thirty Second Street.

## Site and Surrounding Area

The site is located on the north side of Lake Shore Boulevard West, just east of Long Branch Avenue. The lands have a frontage of 122 m on Lake Shore Boulevard West and an area of approximately 4 ha. The northern boundary of the property is formed by the CNR/Metrolinx Lakeshore West rail corridor, and the lands consist almost entirely of paved surface, with a slight slope from north to south.

The site originally contained industrial land uses until its redevelopment as a car dealership. The main dealership building is one storey in height and set back 20 m from Lake Shore Boulevard West, and contains an auto showroom and vehicle servicing centre. The northern portion of the site is used for inventory storage and contains two smaller buildings associated with the dealership.

The surrounding land uses are as follows:

- North: Across the CNR/Metrolinx Lakeshore West rail corridor, numerous industrial land uses;
- East: Low scale residential uses on lands designated *Neighbourhoods*;
- South: Across Lake Shore Boulevard West, commercial and recent residential redevelopment of 4 storeys in height; and
- West: A mixed use neighbourhood containing various residential dwelling types and a single storey retail building.

# **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. Policy 4.7 states that the Official Plan is the most important vehicle for implementing the PPS.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;

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- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

# **Official Plan**

The development site is subject to multiple land use designations in the Official Plan (see Attachment 6) and the western portion of the site is also located within the boundaries of Site and Area Specific Policy 23 (SASP 23) which provides specificity to the policy framework for lands between Lake Shore Boulevard West, the CNR/Metrolinx Rail Corridor, Browns Line and lands to the east up to a line generally aligned with Thirty-Third Street.

The portion of the site fronting Lake Shore Boulevard West is designated *Mixed Use Areas* on Map 15 – Land Use Plan of the Official Plan as a focus for redevelopment along an *Avenue* identified by Map 2 – Urban Structure. The *Mixed Use Areas* designation provides for a range of residential, commercial and institutional uses, in single use or mixed use buildings, as well as parks, open spaces and utilities. *Avenues* are corridors along major streets intended for incremental reurbanization to create new residential, commercial and retail opportunities while improving the overall pedestrian environment and creating animated districts along transit routes. Map 5 – Surface Transit Priority Network identifies Lake Shore Boulevard West as a Transit Priority Segment demonstrating the intention of maintaining and improving transit service along this corridor over the short and long term. A portion of the site along the rail corridor is also designated *Mixed Use Areas* by the Official Plan, and the development criteria for these lands is further refined by SASP 23 as outlined below.

A portion of the site to the north of the lands designated *Mixed Use Areas* fronting Lake Shore Boulevard West is designated *Parks and Open Space Areas*. *Parks and Open Space Areas* comprise the open space network for the City and provide for a number of recreational and cultural opportunities.

Between the *Parks and Open Space Areas* and the northerly *Mixed Use Areas* designations are lands designated *Neighbourhoods*. The Official Plan provides policy

direction allowing infill development in *Neighbourhoods* on lots that vary from the local pattern of lot sizes and configuration or orientation to add to the quality of *Neighbourhood* life by filling in gaps and extending streets and paths. These policies provide for infill development in *Neighbourhoods* that front onto existing or newly created public streets and have heights, massing and scale appropriate for the site and compatible with adjacent and nearby residential properties.

Chapter 2 of the Official Plan titled Shaping the City contains principles for steering growth and change to some parts of the City, while protecting the *Neighbourhoods* and green spaces from development pressures. *Neighbourhoods* are seen as being stable but not static. Section 2.3.1 recognizes that *Neighbourhoods* will not stay frozen and that some physical change will occur as enhancements, additions and infill housing occurs on individual sites over time. Policy 1 of Section 2.3.1 of the Official Plan states that development within *Neighbourhoods* will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas. Policy 5 encourages that environmental sustainability be promoted in *Neighbourhoods* by investing in naturalization and landscaping improvements, tree planting and preservation, sustainable technologies for stormwater management and energy efficiency.

Policies found in Chapter 3 of the Official Plan provide guidance on the creation of new blocks and streets with an emphasis on the quality of the public realm. Policy 3.1.1.16 provides that new streets should be public streets and used to provide connections with adjacent neighbourhoods while dividing larger sites into smaller development blocks. These development blocks will be appropriately sized and configured in relation to the requested land use and scale of development and allow for phasing to be properly undertaken. Development lots within these blocks are to be street oriented and provide adequate room within the block for parking and servicing needs. These policies also provide for co-ordinated landscape improvements within building setbacks to create attractive transitions from the private to public realms.

Policies in Chapter 3 also provide strategies for the acquisition and location of new parkland as a condition of new development, taking into account a range of factors including the amount of existing parkland, characteristics and quality of the land to be dedicated, opportunity for programming and opportunities to link parks and open spaces. The Official Plan requires land to be conveyed for parks purposes to be free of encumbrances unless approved by City Council, sufficiently visible from adjacent public streets and consolidated or linked with adjacent parks and open spaces where possible.

SASP 23 provides for the evolution of the area into a residential and mixed use community reusing lands previously occupied by industrial uses and sets out additional refinements to the policy framework and development criteria noted above. SASP 23 provides for up to 2,200 residential units and a mix of uses along Lake Shore Boulevard West as well as new parks and a public street network to be implemented through redevelopment of the lands. A minimum of three north-south public streets from Lake Shore Boulevard West are required by SASP 23, Policy (i), to access the interior of the lands, appropriately located opposite existing streets on the south side of Lake Shore

Boulevard West with the possibility that two other public street connections or access locations may also be required. At least one east-west public street through the lands is also required.

Along the Lake Shore Boulevard West frontage, a maximum 6 storey building height and density of 3.0 times the area of the lot is provided for by SASP 23. Buildings are encouraged to be located within 1.5 m of Lake Shore Boulevard West and have a continuous built form at the minimum setback for at least 70% of the property frontage. Employment uses, including light industry and technology uses, are provided for in development for *Mixed Use Areas* along the rail corridor to a maximum density of 3.0 times the area of the lot, or 2.5 times the area of the lot if the development contains a residential component. Low-rise apartment buildings on lands designated *Neighbourhoods* are provided for to a height of 6 storeys. Although SASP 23 provides for residential uses, existing non-residential uses are permitted to continue. New non-industrial developments are required to address potential impacts on existing industrial uses.

Section 3.1.2 Built Form stresses that infill and redevelopment sites will need to fit in, respecting and improving the character of the surrounding area. Developments must be conceived not only in terms of the individual building site and program, but also in terms of how that site, building and its facades fit within the existing and/or planned context of the neighbourhood and the City. Each new building should promote and achieve the overall objectives of the Plan.

The Policies of Section 3.1.2 provide guidance pertaining to the massing of new buildings to:

- Frame adjacent streets in a way that respects the existing and/or planned street proportion;
- Incorporate exterior design elements, their form, scale, proportion, pattern and materials, to influence the character, scale and appearance of the development;
- Create appropriate transitions in scale to neighbouring existing and/or planned buildings; and
- Provide for adequate light and privacy, and adequately limiting any resulting shadowing of neighbouring streets and properties.

Further, Section 3.1.2 requires new development to be massed to define the edges of streets at good proportion and provide amenity for adjacent streets to make these areas attractive, interesting, comfortable and functional for pedestrians. This can be achieved by the provision of adequate amenity and landscaped open space, coordinated landscape improvements in setbacks to create attractive transitions from the private to public realms and landscaped open space within the development itself, among others. The intention is to enable new developments to 'fit' within the context of the immediate neighbourhood, while also improving the character of the surrounding area.

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## Official Plan Amendment No. 320

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*.

The Minister of Municipal Affairs and Housing approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result, OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

# Zoning

On May 9, 2013, City Council enacted a new City-Wide Zoning By-law (By-law 569-2013), which is now under appeal to the Ontario Municipal Board. Although the applications were submitted after the enactment of By-law 569-2013, the subject lands do not form part of By-law 569-2013.

The subject lands are zoned I.C1 (Industrial Class 1) under the former City of Etobicoke Zoning Code (see Attachment 7). This zoning permits a limited range of industrial and ancillary uses.

The subject lands were studied as part of the "Lake Shore Boulevard West Avenue Study" in 2004. However, City Council did not include lands within the SASP 23 area, including the subject lands, in the resultant Commercial-Avenues Zoning (C1-AV) implemented for the Study Area by By-law 1055-2004 as SASP 23 was determined to provide an appropriate development vision for this portion of Lake Shore Boulevard West. Lands on the south side of Lake Shore Boulevard West are zoned C1-AV under By-law 1055-2004 which permits redevelopment with a mix of uses within buildings having heights of 4 to 6 storeys.

# Site Plan Control

A Site Plan Control application is required for the proposed development. This was submitted on December 21, 2016.

# Urban Design Guidelines for Infill Townhouses

The Townhouse and Low-rise Apartment Guidelines address infill townhouse developments, as well as mid to larger sites proposed to be developed with more complex and intense types of low-rise, multi-unit development in terms of site context, site organization, building massing, detailed design and private and public realm. The guidelines build upon, and once approved by City Council, are intended to replace the Infill Townhouse Guidelines (2003).

The purpose of the Guidelines is to illustrate how the public realm and built form policy objectives of the Official Plan can be addressed by:

- i. Identifying strategies to enhance the quality of the public realm and overall living environment through improved spatial relationships, design and materials;
- ii. Establishing a balance between the protection of stable residential neighbourhoods and heritage features while allowing for appropriate infill development and intensification; and
- iii. Providing best practices and guidance to citizens and stakeholders, particularly land developers, planners and design professionals and City staff in the creation and evaluation of development proposals.

The Guidelines do not determine where low-rise, multi-unit buildings are permitted. Rather, they assist with the implementation of the City's Official Plan policies to ensure that low-rise, multi-unit buildings are located and organized to fit with their existing context and minimize their local impacts. The Guidelines provide specific and often measurable directions related to the following guiding principles:

- 1. Enhance the quality of the public realm and promote harmonious fit and compatibility with the existing and planned context through appropriate scale, placement and setbacks of buildings.
- 2. Improve connectivity to streets, parks and open spaces, community services and amenities.
- 3. Reinforce the structure and image of the City and respond appropriately to prominent sites and important views.
- 4. Integrate and enhance natural and man-made features such as trees, topography and open spaces and conserve heritage properties.
- 5. Create a safe, comfortable, accessible, vibrant, and attractive public realm and pedestrian environment.
- 6. Promote architectural, landscape and urban design excellence, sustainability, innovation, longevity and creative expression with visionary design, high-quality material and leading edge construction methods.
- 7. Create comfortable living conditions by providing access to sunlight, privacy, natural ventilation and open space.
- 8. Minimize the impact of service areas and elements on the public realm.

The Guidelines can be accessed at this link:

https://www1.toronto.ca/wps/portal/contentonly?vgnextoid=f3064af89de0c410VgnVCM 10000071d60f89RCRD

# **Reasons for the Applications**

An amendment to the former City of Etobicoke Zoning Code is required to permit residential uses and establish appropriate performance standards for residential development as the proposed residential uses are not permitted in an I.C1 zone.

Draft Plan of Subdivision approval is required to establish the proposed public streets and park, as well as create the development lots for the proposed residential units.

# **Community Consultation**

Staff held a community consultation meeting on October 26, 2015. Approximately 75 members of the public attended.

Specific comments related to the proposal focused on the volume of traffic along Elder Avenue, the traffic impacts on residents in the area, and cumulative traffic in the area from other developments. There were also concerns of whether there is sufficient infrastructure capacity in the area to accommodate the proposed development.

# **Agency Circulation**

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

# COMMENTS

# **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. The policies contained in the Growth Plan are to be read in conjunction with all applicable provisions of the PPS.

Both of these documents are high-level and broad reaching. The City is a development area and infill is encouraged under these policies. Policy 4.7 of the PPS states that the most important method of implementing the policies is a municipality's Official Plan which guides the method of intensification and where it should be focused. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. It focuses intensification of a brownfield site along an intensification corridor.

## Land Use

The proposed land uses are provided for by the *Mixed Use Areas* and *Neighbourhoods* designations applying to the subject lands. The proposed mid-rise building would incorporate non-residential uses in the ground floor of the building along Lake Shore Boulevard West as provided for by the *Mixed Use Areas* designation. The residential-only townhouse blocks are appropriate infill development as provided for by the policies of the *Neighbourhoods* designation.

# Appropriateness of the Proposed Public Street Network

SASP 23 provides clear direction for the development of a public street system through the SASP lands. It requires at least one east-west public street and a minimum of three north-south public streets, with the potential for two more. The policy framework intends to provide connectivity through the SASP lands as they evolve into a mixed use community, and to ensure a co-ordinated approach to establishing a public street network prior to redevelopment of any property.

The currently proposed public street network would extend Elder Avenue onto the subject lands from the east and provide for a looped street within the development site with provisions for future connections.

In addition to the connectivity to be provided by the public street network, there is an opportunity to extend a pedestrian and cycling connection along the rail corridor from the property to the west through the site. Pedestrian and cycling access is being secured adjacent to the landscape berm on the abutting lands to the west that could be continued onto the subject lands and extended through the site to Elder Avenue. This would provide additional connectivity from the adjacent neighbourhood through the SASP 23 lands. Both Transportation Services and Transportation Planning staff have reviewed the proposed street network and have no concerns with each street and the connection to Elder Avenue as this fulfills the intent of SASP 23.

#### Transportation

Conformity with the City's Development and Infrastructure Policy Standards (DIPS) is unresolved as the proposed transition across three different roadway widths has not been deemed acceptable by Transportation Planning staff. The proposed public streets have been designed with dimensions that vary from the City's DIPS standards. Moving from west to east along Street 'B' the road begins as an 18.5 metre right-of-way. Upon turning northward into Street 'C' the road width narrows to a 16.5 metre right-of-way and then eastward to a 20.5 metre right-of-way as the road connects with Elder Avenue.

Transportation Services staff have commented that while each right-of-way meets the DIPS standards for right-of-way width individually, the intent was to not have varying widths between two streets. Transportation Services staff also advise they require more information regarding whether utility companies have adequate space to locate their services within the right-of-way. As a result, the issue is currently unresolved and the applicant is working with staff to address the comments from Transportation Services.

Should this matter not be resolved prior to the OMB hearing, Planning staff recommend that City Council direct the City Solicitor to request the OMB to withhold it's Order until the owner submits, to the satisfaction of the General Manager, Transportation Services, an updated Transportation and Traffic Impact Study and make satisfactory arrangements for improvements as required. The detailed design, review and approval of these public streets would be secured through the Draft Plan of Subdivision Conditions.

Transportation Services staff have also noted that the submitted Traffic Impact Assessment requires revisions to indicate that sufficient capacity exists in the local street network to accommodate the increased traffic flow generated by the proposal. Should this matter not be resolved prior to the OMB hearing, Planning staff recommend that City Council direct the City Solicitor to request the OMB to withhold it's Order until the owner submits, to the satisfaction of the General Manager, Transportation Services, an updated Transportation and Traffic Impact Study and make satisfactory arrangements for improvements as required.

## Urban Design, Built Form and Block Layout

The Official Plan provides for public streets to create development blocks that break up larger sites and are appropriately sized for the uses proposed. 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. Although the proposal is for a building type that would be consistent with the Official Plan designation on the lands, there is an opportunity to increase the height of the building fronting on Lake Shore Boulevard West (Block 16) to ensure that the proposed townhouse blocks to the north do not appear to be taller and overshadow the Lake Shore Boulevard West frontage when viewed from the street.

To the east of Street 'C', which is a 16.5m public right-of-way, are 7 townhouse blocks. Blocks 1-4 are in the northwest corner of the site. They are oriented east-west and have facing distances of 14 metres and Block 4 faces south onto the new public park. Blocks 5-7 blocks are oriented north-south and are directly west of Street 'C'. They all face onto Street 'C', and Block 5 also has frontage onto the new public park.

Blocks 8-12 are located east of Street 'C', along the eastern boundary of the site. They are oriented north-south with frontage onto Street 'C'. Only Block 8 is north of the public road connection to Elder Avenue. Blocks 8-12 are proposed to back on to an existing residential neighbourhood to the east (Thirty Second Street). To ensure appropriate transition, it is important that a 45 degree rear angular plane be achieved if the minimum 7.5m rear yard setback cannot be achieved.

Blocks 13-15 are also oriented north-south, and are located south of Street 'B', which is a 18.5m public right-of-way. They also have 14m facing distances. Each block is comprised of 36 stacked back-to-back townhouses. The proposed heights vary due to the top elevation of the below-grade parking garage. The heights for each block measure approximately 14.3 metres to the top of the terrace deck and 17.1 metres to the top of the roof access. This stacked townhouse form is replicated in scale and massing in Blocks 1 through 7. The west face of Block 13 faces a public mews which will connect Street 'B' to Lake Shore Boulevard West.

Within this southern portion of the site (Blocks 13-15), one common underground parking garage is proposed, which is accessible from the southeast corner of the site. A

total of 30 surface parking spaces are also provided along the east property line behind the Lake Shore Boulevard West frontage (24 for residents/commercial and 4 for visitors).

Block 16, which faces onto Lake Shore Boulevard West, is four storeys in height and contains commercial uses at grade with three storeys of residential uses above.

North of the public road is a 0.302-hectare park, which forms the eastern extent of the linear park designated in the Official Plan in SASP 23. In the interim a driveway is proposed between the parks to serve as a fire access for 3600 Lake Shore Boulevard West. The driveway will be removed once the new street system on the site is completed.

The overall design and proposed built form of the development is acceptable to staff, pending the resolution of the transportation and servicing issues noted in this report.

## **Open Space/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 this report are in an area with 1.57-2.99 ha of parkland per 1,000 people. The subject lands are in the second lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1020-2010.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 5,613 m<sup>2</sup> or 16.6% of the site area. For sites that are 1 to 5 hectares in size, a cap of 15% of the development site is applied to the residential use. In total, the parkland dedication requirement is 5,072 m<sup>2</sup>.

The applicant proposes a parkland dedication of 3,328.8 m<sup>2</sup>. The dedication is made up of an onsite dedication of 3,019 m<sup>2</sup> and an offsite dedication of 309.8 m<sup>2</sup>. The offsite dedication originates from a previous agreement between the City and the applicant where this land was required as a Fire Route for the neighbouring development (3600 Lake Shore Boulevard West). The agreement indicates that when the fire route is no longer required, the applicant would convey the land to the city as parkland. While the proposed parkland dedication represents an under dedication of what is required for this proposal Parks, Forestry and Recreation staff have commented that the size and location of this park is acceptable.

In order to achieve the development of this park earlier, it is recommended that City Council approve a development charge credit against the Parks and Recreation component of the Development Charges applying to this proposal for the design and construction by the owner of above base park improvements, to the satisfaction of the City.

The applicant is required to satisfy the remaining parkland dedication through a cash-inlieu payment. In so doing, the proposal will satisfy Policy 3.2.3.5 of the Official Plan. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the *Planning Act*, and is required as a condition of the building permit application process.

#### Servicing

The applicant submitted a Functional Servicing Report examining the local tributary area and identifying the impacts of the proposed development on the downstream infrastructure. The servicing report indicated there is sufficient capacity in the existing sanitary infrastructure between the development site and the trunk sewer to accommodate the proposed development. Toronto Water staff advise that notwithstanding the sufficiency of the capacity within the existing sanitary infrastructure, the proposed connection to this infrastructure is problematic. While Toronto Water staff advise that the applicant has contacted them to propose solutions to this issue, as of the writing of this report the matter has yet to be resolved.

Engineering and Construction Services staff have requested that the applicant submit a detailed hydrogeological report to determine the elevation of groundwater levels(s), the quantity and quality of groundwater proposed to be discharged to a city sewer, and the proposed method of discharging groundwater to a city sewer. This hydrogeological report has yet to be resubmitted by the applicant.

The applicant is proposing to convey the sanitary and storm drainage through a servicing easement to Lake Shore Boulevard West. Typically municipal servicing is accommodated within public roads. Toronto Water staff have reviewed this proposal and have requested further information prior to formal acceptance.

Should this matter not be resolved prior to the OMB hearing, Planning staff recommend that City Council direct the City Solicitor to request the OMB to withhold it's Order until the owner submits, to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services, updated Functional Servicing, Hydro Geological and Stormwater Management Reports and make satisfactory arrangements for improvements as required.

The stormwater portion of the servicing analysis indicated that the proposal meets the City's Wet Weather Flow Master Plan in terms of quantity and quality of stormwater management flows. The report also indicated that the increased permeability of the lands when redeveloped from a mostly paved industrial facility to a residential community utilizing modern stormwater management techniques may reduce the overall stormwater flow from the site into municipal stormwater sewers from the existing condition. This has been accepted by Engineering and Construction Services staff.

## **Compatibility with Adjacent Industry**

SASP 23 requires new non-industrial development within the policy area to address its potential impacts on existing industrial uses. In addition, the subject lands are located south of an *Employment Area* beyond the Metrolinx rail corridor containing a number of industrial uses. The Official Plan *Employment Area* policies require development

adjacent to or nearby the *Employment Area* to be appropriately designed, buffered or separated from industries as necessary to mitigate the adverse effects from noise, vibration and other contaminants. The applicant has submitted a Noise and Vibration Study and an Air Quality Study which is currently being peer reviewed against the appropriate Ministry of the Environment and Climate Change (MOECC) Guidelines to determine the compatibility of the proposal with adjacent industry. If necessary, the proposed development may be required to incorporate measures to mitigate noise and other impacts from neighbouring industrial and commercial uses such that these existing uses remain compliant with appropriate MOECC standards despite new sensitive land uses being located within their area of influence. This would be secured through a Section 37 Agreement or Site Plan Agreement for the lands.

#### MOECC Guideline D-6

The MOECC publishes a series of land use planning guidelines to provide guidance for land use planning authorities to ensure compatibility between new industrial or residential development with existing land uses. The D-6 Guidelines (Compatibility Between Industrial Facilities and Sensitive Land Uses) classifies industrial uses based on their impact.

The lands north of the rail corridor are zoned Employment Industrial (E) by Zoning Bylaw 569-2013 (under appeal) and I.C1 by the former City of Etobicoke Zoning Code. The most impactful use permitted by these zones fall within the Class II classification of Guideline D-6 which requires a 70 m separation distance between the industrial and sensitive uses. Significant employment activity north of the rail corridor within this *Employment Area* includes the Chrysler Canada Etobicoke Casting Plant (Chrysler ECP) which has made submissions to the City that they should be considered a Class II facility based on the characteristics of their operations as approved by the MOECC. As there is greater than 140 m distance between the development site and the eastern boundary of the Chrysler ECP property, this separation distance protects for expansion opportunities of the facility in accordance with Chrysler ECP's existing Zoning By-law permissions.

In addition to the Chrysler ECP facility, there are a number of warehouses and enclosed light manufacturing uses fronting Akron Street to the north that would be considered Class I uses under Guideline D-6. This class of use requires a 20 m separation distance which is met as the rail corridor running between these industrial properties and the subject lands is 30 m wide. However, there is potential for a Class II use to develop on the lands based on the existing Zoning By-law permissions. The 70 m separation distance needed for Class II uses can be achieved based on the required 30 m setback for residential uses in the proposed Zoning By-law Amendment for the subject lands, the width of the rail corridor (30 m) and the building setbacks to the rail corridor on the employment sites themselves.

#### Noise Impacts

Guideline D-6 recognizes that it may not be possible to achieve the required minimum separation distances in areas where infilling, urban redevelopment or transition to mixed

use is taking place and sets out a number of considerations for development when uses cannot be separated by distance. The subject lands are in proximity to an existing industrial use operated by Castrol Wakefield Inc. and there are a number of industrial and commercial uses north of the rail corridor as described above. The applicant submitted Noise and Air Quality Studies to evaluate the feasibility of the proposal relative to the adjacent Castrol Wakefield operations from a land use compatibility perspective. The submitted studies reviewed the anticipated adverse impact of the adjacent industrial use and determined if mitigation was required to lessen any impact on the proposed sensitive uses as it relates to applicable MOECC guidelines.

On October 21, 2013, the MOECC enacted Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning (NPC-300). The NPC-300 document replaces four separate Guidelines (LU-131, NPC-205, NPC-232 and Noise Assessment Criteria in Land Use Planning; Requirements, Procedures and Implementation, 1997) previously used and is intended to clarify relationships and harmonize requirements for land use planning authorities making decisions on the approval of new sensitive uses and MOECC approvals related to industrial operations. NPC-300 also provides flexible approaches to facilitate new infill and brownfield residential development while preserving the viability of existing industry. This is accomplished by the formalization of procedures encouraging the proponent of a new sensitive uses to work together with an industrial owner in a combined mitigation effort to ensure compliance with noise criteria.

As part of the harmonization of the previous guidelines, NPC-300 introduces a Class 4 Area of noise receptors defined as an area intended for development for new noise sensitive uses in proximity to existing, lawfully established stationary noise sources. Existing noise sensitive land uses cannot be classified as Class 4 Areas. The land use planning authority must formally confirm the Class 4 Area classification through the land use planning process.

Prior to the enactment of the NPC-300 Guideline, MOECC staff had been involved in discussions on the application with the applicant, Castrol Wakefield and the City to provide clarity on the applicability of the NPC-300 Class 4 Area provisions to the unique circumstances of the proposed brownfield redevelopment. Through these discussions, the City has confirmed that the policy framework in place for the subject lands via SASP 23 provides for an evolution of the lands from industrial uses to a mix of uses, with existing industrial uses permitted to remain, provided new non-industrial uses address any potential impacts on the existing industry. Given this policy framework, the subject lands are appropriately classified under the NPC-300 Guidelines as a Class 4 Area. The noise study submitted by the applicant is currently being peer reviewed by a third party retained by the City.

The applicant and the adjacent industrial landowner have entered into an agreement to secure the mitigation measures on the Castrol Wakefield property as provided for by the NPC- 300 Guidelines. For mitigation measures required on the subject lands, staff recommend they be secured through the Subdivision approval process and related

agreement. MOECC staff have indicated they will accept this approach as provided for in the new NPC-300 Guideline.

Prior to the enactment of the NPC-300 Guideline, Chrysler ECP also filed correspondence indicating concern over the potential for impacts on their existing operations and their ability to expand in the future. Although the subject lands are adequately separated from the Chrysler ECP property according to Guideline D-6 as described above, they are still within the area of influence of the Chrysler ECP facility. Representatives of Chrysler ECP and City staff have been engaged in a dialogue on the proposal and the additional sensitive uses within their area of influence. Planning staff will correspond with MOECC staff to affirm the previous position that the SASP 23 lands are appropriately classified as a Class 4 Area to address the concerns of Chrysler ECP.

A peer review of the applicants Environmental Noise Feasibility Study and a review of the air quality assessment are underway and have not been completed. The results of this study may require revisions to the plan or conditions which would be secured through the subdivision approval process and related agreement.

#### Odour Impacts

The applicant also submitted an Air Quality Study in support of the proposed development to examine the possibility of odour impacts from the adjacent industrial uses. The study concludes that odours on the proposed residential development would be infrequent and unlikely to be intense enough to result in complaints. Further, the expected odour concentrations at the proposed residential development would remain similar to those levels found acceptable by the MOECC for existing residential uses in the area. These conclusions were based on a review of MOECC issued Certificates of Approval for key neighbouring industries, including Castrol Wakefield and Chrysler ECP, site observations and complaint records. Some mitigation measures were identified related to the location of air intakes adjacent to the west property line, the use of physical barriers, as well as the inclusion of a warning clause in the agreement of purchase and sale for the proposed residential units. The City has retained a third-party consultant to peer review the submitted Air Quality Study. The results have not been finalized as of yet.

#### **Environmental Remediation**

Prior to being occupied by an automobile dealership, the site had a history of industrial uses consistent with other portions of the SASP 23 policy area that could have remnant contaminants above the MOECC's standards for residential uses. The current presence of automobile service uses may also impact the cleanliness of the soil. The submitted Contaminated Site Assessment will be reviewed to ensure the lands are appropriate for residential uses and the lands to be conveyed to the City for public streets and parks meet City standards for remediation.

#### **Bicycle Parking**

The Toronto Green Standard for low-rise residential, which applies to row and townhouses up to 4 storeys with a minimum of 5 dwelling units, do not have specific

cycling infrastructure requirements. However, staff requested the applicant to provide long-term bicycle spaces for residents and short-term at-grade bicycle parking spaces for visitors. The applicant has provided 102 long-term bicycle parking spaces primarily within the underground garage. As with vehicle parking, the bicycle parking space requirement would be included in the Draft Zoning By-law Amendment, should the applications be approved.

## **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. Tier 1 performance measures include reducing the urban heat island effect through pavement and roofing materials to lower ambient surface temperature, protecting and enhancing tree growth and the use of native plant species to encourage biodiversity and providing stormwater retention and water quality measures through the requirement of an acceptable stormwater management report.

The applicant has also stated an intent to meet Tier 2 of the Toronto Green Standard. As stated, Tier 2 performance measures are voluntary and aim to achieve higher performance levels than Tier 1.

Should the development be approved, the Draft Zoning By-law Amendment would secure performance measures for the following Tier 1 development features: Automobile Infrastructure, Cycling Infrastructure and Storage and Collection of Recycling and Organic Waste. Other applicable TGS performance measures would be secured through the Draft Plan of Subdivision Conditions and the Site Plan approval process, should the Zoning By-law Amendment application be approved.

#### **Draft Plan of Subdivision**

The proposed Draft Plan of Subdivision has been submitted to establish the residential blocks, the new public road and public park. The new public road would connect to Elder Avenue and Long Branch Avenue, extending through the site.

Through Chapter 415-16, 18 and 18.1 of the Municipal Code, as amended, City Council has delegated authority to the Chief Planner and Executive Director, City Planning to approve plans of subdivision and to determine appropriate conditions of approval. This includes the authority to give instruction to the City Solicitor regarding a position to take at the Ontario Municipal Board (OMB) in connection with an appeal of a draft plan and to enter into agreements on behalf of the City to secure such conditions of approval as are appropriate.

Provided the outstanding issues are resolved to the City's satisfaction, the Acting Chief Planner and Executive Director, City Planning intends on instructing the City Solicitor to settle the subdivision appeal at the OMB.

As the Conditions of Draft Plan of Subdivision approval have yet to be finalized, the Recommendations of this report also direct the City Solicitor to request the OMB to withhold its Order until the City and the owner present Draft Plan of Subdivision Conditions to the OMB to address the technical requirements of the development including among other matters, the construction of streets and services, tree protection and planting and grading as determined by the Acting Chief Planner and Executive Director, City Planning.

#### Section 37

As provided for by Policy 5.1.1.3 of the Official Plan, SASP 23 contains base values from which height and density may be permitted in return for certain capital facilities pursuant to Section 37 of the *Planning Act*. The subject lands are proposed to be developed at a density below the provisions of SASP 23 and therefore are not required to provide capital facilities pursuant to Section 37 of the *Planning Act*.

#### Conclusion

Provided the outstanding issues detailed in this report are resolved to the satisfaction of the City, the development currently proposed for this site, as generally outlined on the Site Plan (Attachment 1) is supportable.

As such, it is recommended that City Council direct the City Solicitor and other appropriate City staff to attend the Ontario Municipal Board hearing in support of a settlement should the matters outlined above be resolved.

It is also recommended that City staff be directed to continue discussions with the applicant aimed at developing an appropriate development proposal that addresses these issues. Should these matters not be resolved to the satisfaction of the City, staff will seek further direction from City Council.

# CONTACT

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# SIGNATURE

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

# ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Draft Plan of Subdivision

**Attachment 3: Typical Elevations** 

Attachment 4: Typical Elevations

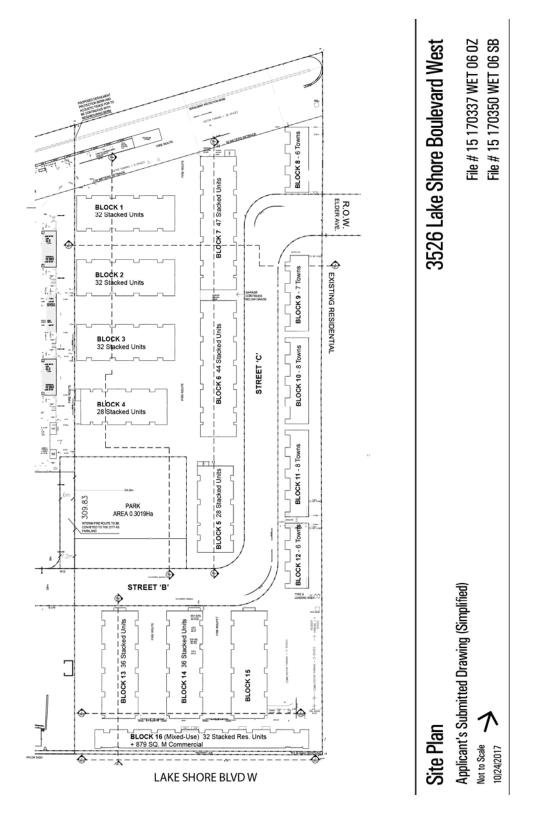
Attachment 5: Typical Elevations

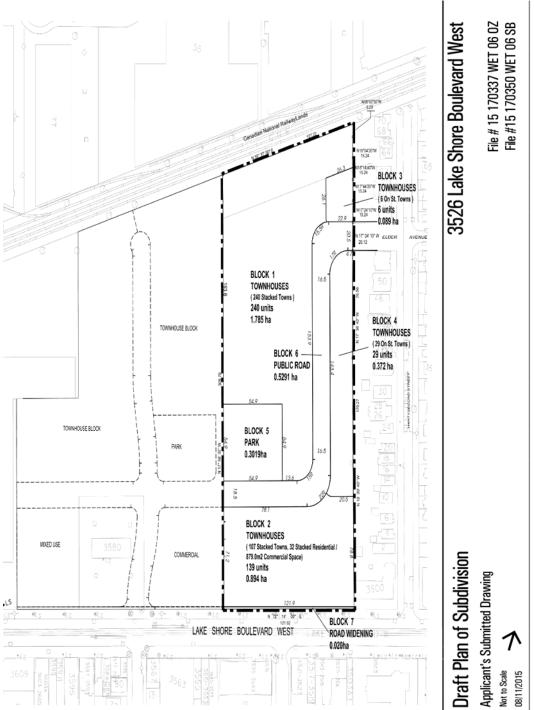
Attachment 6: Official Plan

Attachment 7: Zoning

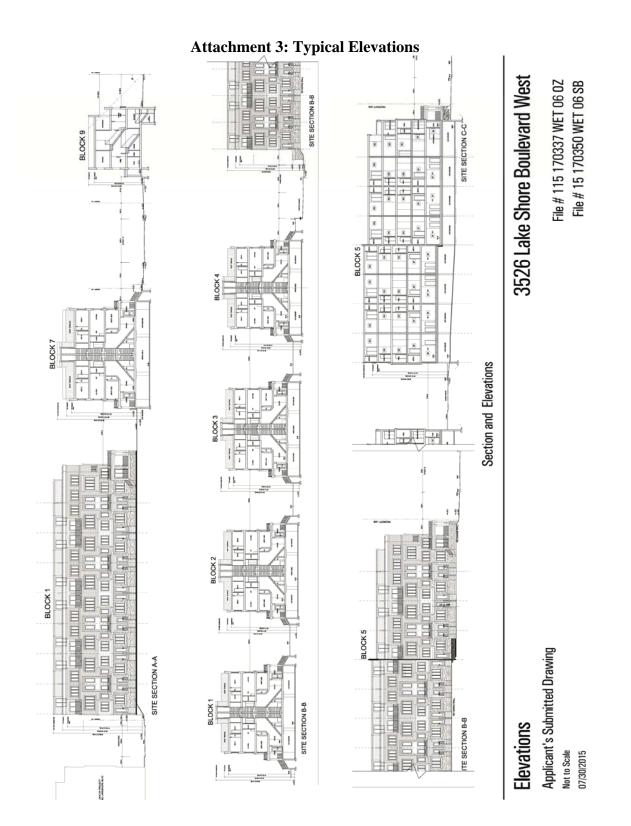
Attachment 8: Application Data Sheet

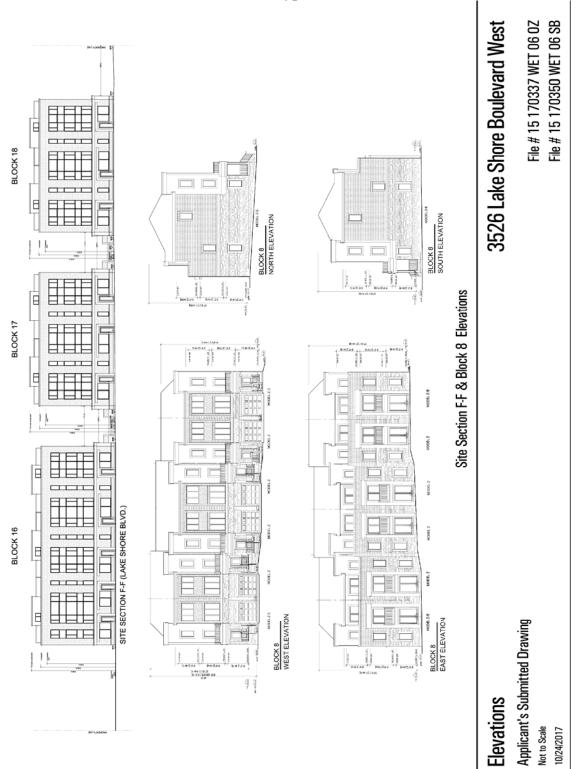
Attachment 1: Site Plan



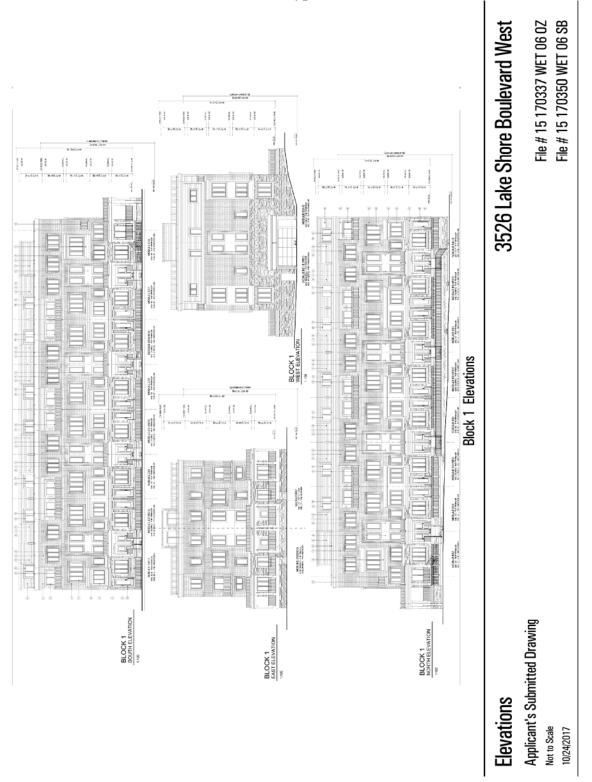


#### Attachment 2: Draft Plan of Subdivision

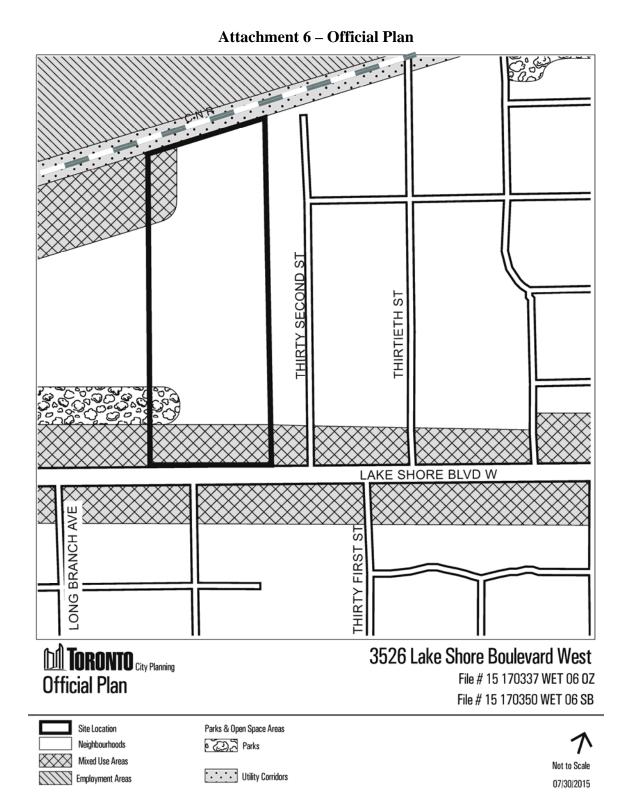


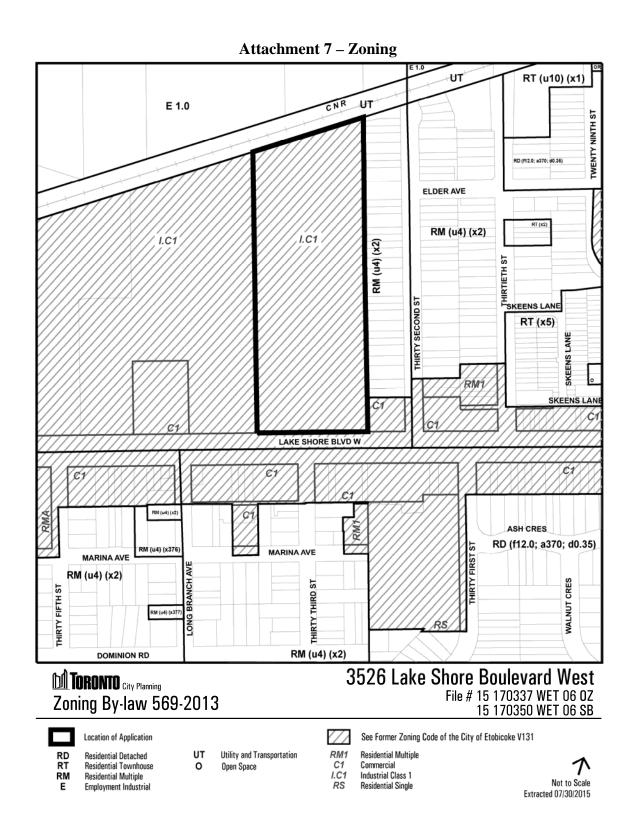


#### **Attachment 4: Typical Elevations**



#### **Attachment 5 – Typical Elevations**





# Attachment 8 – Application Data Sheet

Application Type	Rezoning	Rezoning		Application Number:		15 170337 WET 06 OZ		
Details	Rezoning,	Rezoning, Standard		Application Date:		June 8, 2015		
Municipal Address: 3526 LAKE SHORE BOULEVARD WEST								
Location Description:		CON 1 FTL PT LOT 9 RP 64R8221 PARTS 1 TO 4 **GRID W0605						
Project Description:	series of st commercia	Proposed amendments to permit the development of a total of 415 residential units in a series of standard and stacked townhouse blocks, as well as approximately 879 m <sup>2</sup> of commercial space on the ground floor of the mid-rise building proposed to front onto Lake Shore Boulevard West.						
Applicant:	Agent:		Architect:		Owner:			
PEDRO LOPES	D'ALESSANDR	0		MARIN D'ALES	O SANDRO			
PLANNING CONTROI	ĴS							
Official Plan Designation	Neighbour	Neighbourhoods Site Specific Provision:						
Zoning:		Historical Status:						
Height Limit (m):		Site Plan Control Area:						
PROJECT INFORMATION								
Site Area (sq. m):	3	39910	Height:	Storeys:	4			
Frontage (m):	1	121.92		Metres:	15.5			
Depth (m):		179						
Total Ground Floor Area (sq. m): 0		)			То	tal		
Total Residential GFA (sq. m):460		46607		Parking Spaces	s: 517	,		
Total Non-Residential GFA (sq. m): 879		379		Loading Docks	s 0			
Total GFA (sq. m):	2	47486						
Lot Coverage Ratio (%):	3	39.8						
Floor Space Index:	1	1.17						
DWELLING UNITS FLOOR AREA BREAKDOWN (upon project completion)								
Tenure Type: Condo, Fre		eehold	old		ve Grade	<b>Below Grade</b>		
Rooms:	poms: 0		Residential GFA (sq. m):		57	0		
Bachelor: 0		Retail GF.	Retail GFA (sq. m):			0		
1 Bedroom: 10		Office GF	Office GFA (sq. m):			0		
2 Bedroom:	354	Industrial	Industrial GFA (sq. m):			0		
3 + Bedroom: 51		Institution	Institutional/Other GFA (sq. m): 0 0					
Total Units:415								
CONTACT: PLANNER NAME:		Travis Ske	Travis Skelton, Assistant Planner					
TELI	(416) 394-8	(416) 394-8245						