

2950-2970 Lake Shore Boulevard West – Official Plan and Zoning By-law Amendment Application – Preliminary Report

Date: August 23, 2019

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 3 - Etobicoke-Lakeshore

Planning Application Number: 19 146505 WET 03 OZ

Notice of Complete Application Issued: May 30, 2019

Current Use(s) on Site: A 4-storey commercial office building located at 2970 Lake Shore Boulevard West and a 2-storey retail building at 2950 Lake Shore Boulevard West, with surface parking at the rear. The existing uses have a total gross floor area of 3,492 m².

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application to amend the Official Plan and the Zoning By-law for the properties located at 2950-2970 Lake Shore Boulevard West to permit a 9-storey mixed-use building with 95 new rental units, 485 m² of at-grade retail uses and an underground garage with 32 parking spaces.

Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 2950-2970 Lake Shore Boulevard West together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

Pre-application meetings were conducted with the applicant in 2018, to discuss complete application submission requirements and to identify issues with the proposed development.

The initial concept from early 2018 proposed retrofitting the existing non-residential building at 2970 Lake Shore Boulevard West to a mixed use 4-storey building. Later in 2018, the applicant presented a concept to retrofit the existing building and to construct a one-storey addition above the existing building to accommodate additional residential units.

The applicant presented a third concept at a meeting held in December of 2018, which also included the lands at 2950 Lake Shore Boulevard West. This concept proposed to demolish the existing buildings on both properties and to construct an 8-storey mixed use building with apartment rental units, as well as retail and office uses on the first and second storeys.

ISSUE BACKGROUND

Application Description

This application proposes to amend the City of Toronto Official Plan Site and Area Specific Policy No. 21 (SASP 21), the City of Etobicoke Zoning Code By-law No. 2215 and City-wide Zoning By-law No. 569-2013 for the lands at 2950-2970 Lake Shore Boulevard West to permit a 9-storey mixed-use building containing 95 new rental units and retail use at-grade. The application proposes a total gross floor area of 8,683 m² and a Floor Space Index of 5.71, including 8,198 m² of residential uses and 485 m² of retail uses. The height of the proposed building is 28.8 metres.

As currently proposed, the 95 rental units would comprise 27 studio units (28.4%), 37 1-bedroom units (38.9%), 15 2-bedroom units (15.8%) and 16 3-bedroom units (16.8%). The applicant proposes a total of 32 residential parking spaces, with vehicular access from Eighth Street, along the western edge of the site. No visitor or retail parking spaces are proposed. The proposed development includes a bicycle storage area on the first storey of the building with a total of 73 bicycle parking spaces, of which 7 would be short-term and 66 would be long-term. One Type G loading space is also proposed at the rear of the building.

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachments 1 and 2 of this report for three dimensional representations of the project in context.

Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy led system. Any decision of City Council related to this application is required to be consistent with the Provincial Policy Statement (2014) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) ("A Place to Grow") and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from the *Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The current application is located on lands shown as *Avenues* on Map 2 - Urban Structure and designated *Mixed Use Areas* on Map 15 - Land Use Plan of the Official Plan (see Attachment 5: Official Plan Land Use Map).

The site is subject to Site and Area Specific Policy No. 21 (SASP 21), which includes Lake Shore Boulevard West between the Etobicoke Creek and Dwight Avenue. SASP 21 reads as follows:

- a) Buildings should be built to the Lake Shore Boulevard West street line with a discretionary setback zone of 1.5 metres. Development blocks should provide a continuous building face for at least 70 per cent of the frontage on Lake Shore Boulevard West. Building heights should not exceed four storeys, except:
 - i) between Twenty Second Street and Twenty Third Street, where a six storey building is permitted if the extra height is stepped back from the street; and
 - ii) for the area between Twenty Third Street and 3829 Lake Shore Boulevard West (one block west of Fortieth Street), where a six storey building is permitted; however, in areas where lot depths exceed 35 metres, higher building height may be considered.

Building height should not exceed a 45-degree angular plane from the property line of the adjacent low-scale residential properties.

b) Maximum net density of mixed commercial-residential buildings with commercial uses on the ground floor is 3.0 times the lot area for the lands designated *Mixed Use Areas*.

Zoning By-laws

The site is zoned Commercial Residential (CR 3.0(c3.0; r3.0)(SS2)) under the City-wide Zoning By-law No. 569-2013. The site is also zoned Commercial (C) under the Etobicoke Zoning Code. Commercial and residential uses are permitted in these zones.

City-wide Zoning By-law No. 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

The following Design Guidelines will be used in the evaluation of this application:

- Avenues and Mid-Rise Buildings Study and Performance Standard Guidelines;
- Growing Up: Planning for Children in New Vertical Communities; and
- Lake Shore Boulevard West Urban Design Guidelines.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted.

COMMENTS

Reasons for the Application

An application to amend Official Plan Site and Area-Specific Policy No. 21 (SASP 21), the former City of Etobicoke Zoning Code By-law No. 2215, and City-wide Zoning By-law No. 569-2013 is required to permit the proposed mixed-use building, including the proposed height of the building, number of storeys, setbacks, total gross floor area, commercial gross floor area, floor space index, exceeding the 45-degree angular plane and a deficiency in parking spaces. Other areas of non-compliance may be identified through the review of the application.

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified.

Planning staff have concerns that the proposal does not represent an appropriate scale of intensification within the local built form and planning context, in particular the number of storeys, density and transition to neighbouring properties. The current proposal is for a nine storey building with a density of 5.71 times the lot area, more than twice the maximum permitted height of four storeys and nearly double the maximum permitted density of 3.0 times the lot area prescribed for this portion of Lake Shore Boulevard West through SASP 21. In its current form, the new building is proposed to be located approximately 8.3 metres and 9.9 metres from the existing four-storey apartment building on the adjacent property. Planning staff have concerns that these separation distances, in addition to the proposed massing and scale of the building, could create issues relating to privacy, overlook, shadowing and access to sunlight for existing and future residents.

Provincial Policies and Plans Consistency/Conformity

This application will be evaluated against the *Planning Act* and applicable Provincial Plans to establish the application's consistency with the PPS and conformity with The Growth Plan (2019), especially in regards to ensuring that the development recognizes the local context in terms of appropriate intensification, the promotion of well-designed built form, transition of built form to adjacent properties and whether the proposal complies with the municipal direction for growth.

Section 2 of the *Planning Act* requires municipalities to have regard for matters of provincial interest, including: the protection of ecological systems, including natural areas, features and functions; conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; the appropriate location of growth and development; the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are high quality, safe, accessible, attractive and vibrant.

The PPS contains policies related to managing and directing development. It requires that sufficient lands be made available for intensification and redevelopment, and that planning authorities identify and promote opportunities for intensification and redevelopment, where this can be accommodated, taking into account, among other things, the existing building stock and surrounding area.

While the PPS encourages intensification and efficient development, it recognizes that local context is important and that well-designed built form contributes to overall long-term economic prosperity. The PPS indicates that the Official Plan is the most important vehicle for implementing the PPS and planning authorities shall identify appropriate locations for intensification and redevelopment.

The Growth Plan emphasizes the importance of complete communities where a range of housing options are to be provided, and that new development should provide high quality compact built form and a vibrant public realm. The Growth Plan provides municipalities with the authority to define the location and nature of growth that will occur in intensification areas in a flexible manner suitable to the local context, while still meeting the overriding objectives of the Growth Plan.

Through its Official Plan, the City has identified appropriate locations and opportunities for intensification. Although growth is intended to occur on this particular site given its designation of *Mixed Use Areas*, the level of intensification of this site must reflect the existing and planned context as established by the Zoning By-law and Official Plan policies, including in particular SASP 21. The current proposal is for a building with a floor space index of 5.71 times the lot area and a height of 9 storeys, and which does not meet a 45-degree angular plane. The proposed development represents an inappropriate scale of intensification at a location prescribed for a built form of 4 storeys and a floor space index of 3.0 times the area of the lot, with a 45-degree angular plane. In its current form, the proposal fails to address the local and planned context in which it is situated.

The PPS and the Growth Plan direct municipal authorities to establish the local planning framework for growth and intensification, implemented through the Official Plan and zoning by-laws. As the proposed development does not conform with the municipally established policies for the subject site, the proposal in its current form is not consistent with the PPS and does not conform with the Growth Plan. Staff will continue to work with the applicant to achieve a redevelopment proposal that meets the intent of City policies.

Official Plan Conformity

The property is designated *Mixed Use Areas* in the City of Toronto Official Plan (see Attachment 5: Official Plan Land Use Map) and is subject to Site and Area Specific Policy No. 21 (SASP 21). The subject lands are also located on an *Avenue*, as identified on Map 2 - Urban Structure of the Official Plan. *Avenues* are areas where growth and reurbanization are intended to occur.

According to Section 4.5 of the Official Plan, *Mixed Use Areas* are made up of a broad range of residential, commercial and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. Section 4.5 also indicates that not all *Mixed Use Areas* will experience the same scale or intensity of development.

Mixed Use Areas policies establish a number of site-related development criteria that must be met. The Built Form policies emphasize the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New buildings should be located and massed to provide a transition between areas of different development intensity and scale. The development criteria within the *Mixed Use Areas* policies are also supplemented by additional development criteria outlined in the Built Form policies in Section 3.1.2 of the Official Plan.

SASP 21 provides policy direction and establishes the planning framework for new development along Lake Shore Boulevard West between the Etobicoke Creek and Dwight Avenue, including the following development standards which are applicable to the subject site:

- Buildings should be built to the Lake Shore Boulevard West street line with a discretionary setback zone of 1.5 metres;
- Development blocks should provide a continuous building face for at least 70 per cent of the frontage on Lake Shore Boulevard West;
- Building heights should not exceed four storeys;
- Building height should not exceed a 45-degree angular plane from the property line of the adjacent low-scale residential properties; and
- The maximum net density of mixed commercial-residential buildings with commercial uses on the ground floor is 3.0 times the lot area of the lands designated *Mixed Use Areas*.

The application will be evaluated for its conformity with the Official Plan policies and in particular SASP 21 noted above. The current proposal requires an Official Plan Amendment as the proposed number of storeys, floor space index and angular plane do not conform with SASP 21. The draft Official Plan Amendment submitted with this application includes an amendment to the maximum permitted floor space index but does not address matters relating to front yard setback, number of storeys or the angular plane. City staff have advised the applicant that all aspects of the proposed development that do not conform to SASP 21 must be addressed through the Official Plan Amendment.

Built Form, Planned and Built Context

The suitability of the proposed height, density, massing, transition and other built form issues will be assessed based on the *Planning Act*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, the City's Official Plan and Council adopted Urban Design Guidelines. An evaluation will be made to determine whether the proposal fits within its planned and built context and whether sufficient building setbacks are provided from adjacent buildings and property lines. Staff will also be evaluating:

- The location and organization of the building relative to the streets;
- The transition and proximity to adjacent low-scale residential properties, including the interface between the proposed building and the existing four-storey apartment building directly north of the subject site;
- Appropriateness of the proposed building's height, massing, density, setbacks and setbacks;
- The provision of an appropriate mix of dwelling units and adequate location and size of amenity space;
- The potential wind and shadow impacts of the development and any appropriate mitigation measures;
- Improvements to landscaped open space and the public realm, in particular the public boulevard along Lake Shore Boulevard West and the open space within the block;

- Other on-site matters, such as the storage of garbage and snow, and site ingress and egress; and
- The location of mechanical equipment on the proposed building, which is currently not shown on the plans submitted.

Staff will also be reviewing the application against the Growing Up Guidelines, which provide direction on how development can better function for larger households.

Planning staff are of the opinion that the proposal in its current form does not conform with the intent of the Official Plan policies as the height, density, massing and built form are not consistent with the local and planned context of the area, and represent an inappropriate level of intensification. Staff will continue working with the applicant to achieve a redevelopment proposal that conforms more closely to City policies and is more in keeping with the vision for Lake Shore Boulevard West and the existing character of the area.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The application indicates that there are no existing trees located on the subject site.

Two City-owned trees are located in front of the subject site, along the Lake Shore Boulevard West frontage, and will require protection from construction activities as a result of the proposed development. The Urban Forestry Division requires an Arborist Report and/or Tree Preservation Plan for the two City-owned trees, which has not yet been submitted. Once received, it will be reviewed by City staff.

Housing

Housing Policy staff have requested that a Rental Housing Demolition and Conversion Declaration of Use and Screening Form be submitted to confirm whether there are any existing rental units on the subject site. A Housing Issues Report has not been submitted for review by City staff.

The proposed provision of 15 (15.8%) two-bedroom units and 16 (16.8%) three-bedroom units supports the unit mix objectives of the Growing Up Guidelines, Official Plan housing policies and the Growth Plan's growth management and housing policies. These policies provide direction on how a broad range of households, including families with children, can be accommodated in new developments. Housing Policy staff have requested that additional information be provided with regards to the proposed unit sizes and layouts, in order to evaluate the application in the context of the Growing Up Guidelines.

Archaeological Assessment

The subject site has archaeological resource potential. A Stage 1 Archaeological Resource Assessment is required to be submitted by the applicant. Once received, it will be reviewed by City staff.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the *Planning Act* to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

The application proposes a gross floor area of 8,683 m² and therefore does not meet the minimum size threshold of 10,000 m² of new development required by the Official Plan for consideration of Section 37 benefits.

Infrastructure/Servicing Capacity

The applicant has submitted a Functional Servicing Report and a Stormwater Management Report, both prepared by Eden Engineering & Design Inc. and dated April 21, 2019. Engineering and Construction Services staff are currently reviewing the reports to evaluate the effects of the proposed development on the City's municipal servicing infrastructure and watercourses and to identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to adequately service the proposed development.

The applicant has also submitted a Transportation Impact Study (TIS), prepared by LEA Consulting Ltd. and dated April 25, 2019. The purpose of the TIS is to evaluate the effects of the proposed development on the transportation system and to suggest any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development. This study is also under review by staff.

Preliminary comments on matters relating to transportation, servicing, solid waste, stormwater management and sanitary sewers relative to the proposed development indicate that additional information and revisions to the application are required for further review.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant submitted a TGS Checklist with this application. City staff have indicated that the TGS Checklist submitted is incomplete and require a completed Checklist to be submitted for review.

Other Matters

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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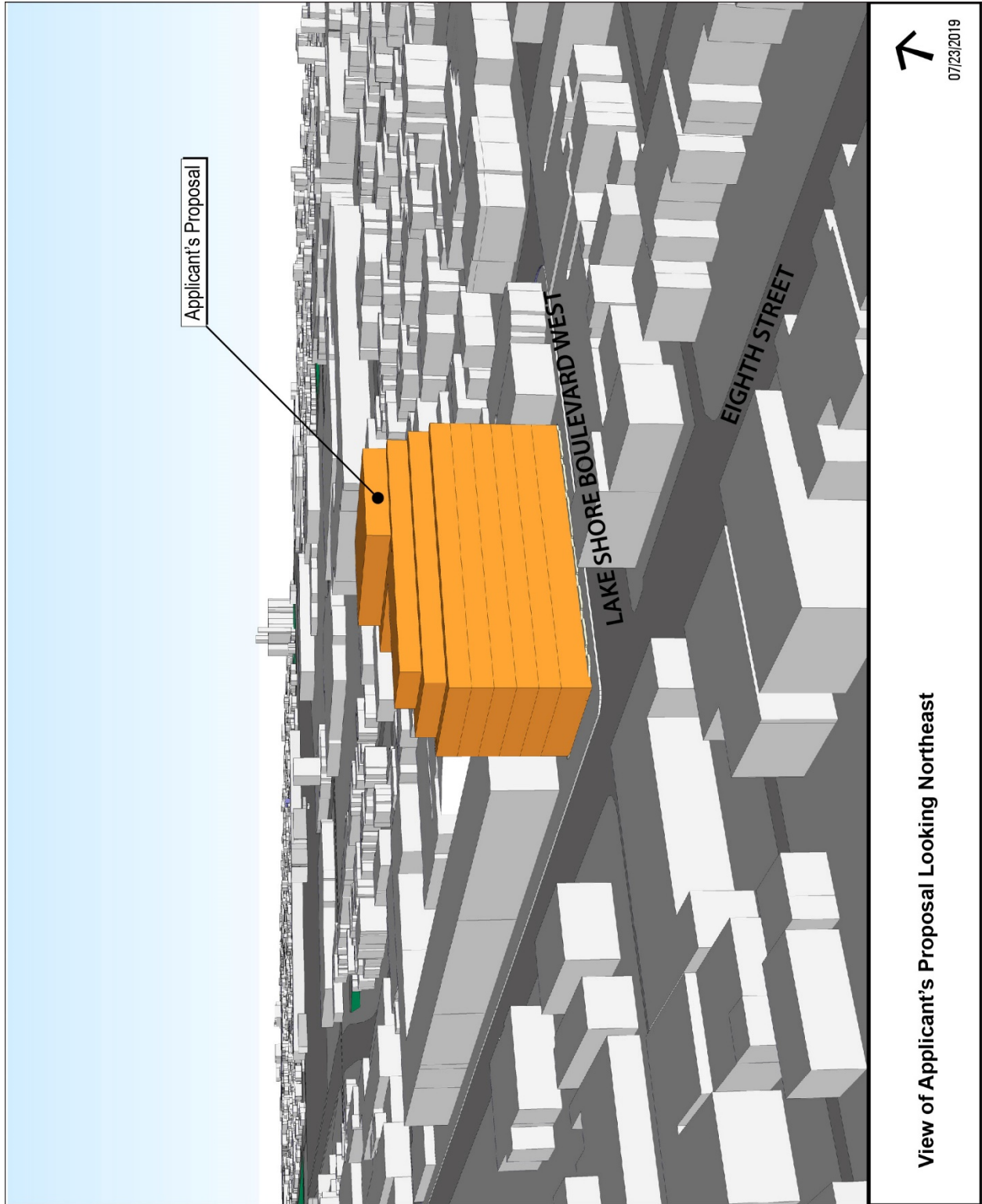
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Neil Cresswell, MCIP, RPP
Director of Community Planning
Etobicoke York District

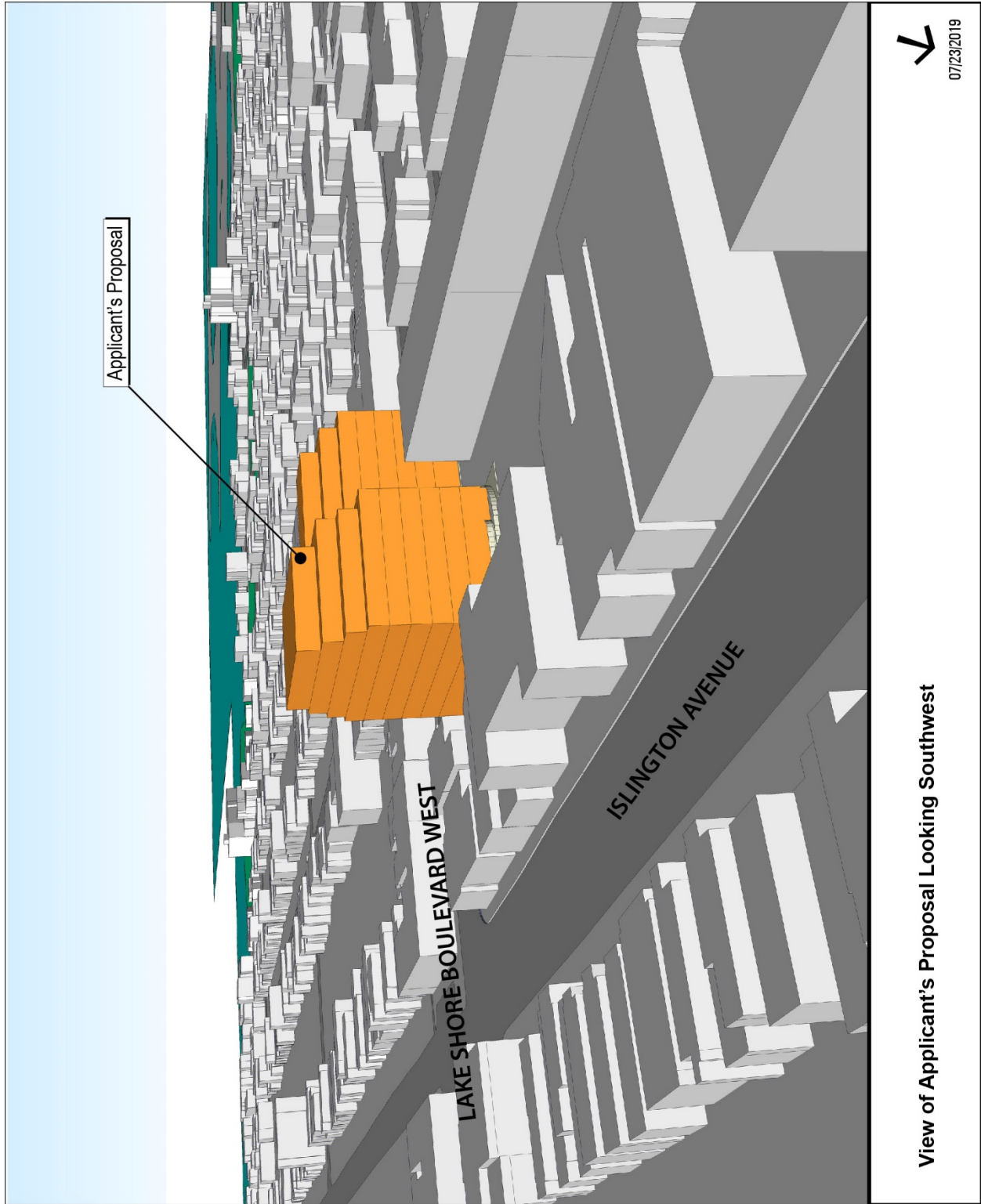
ATTACHMENTS

Attachment 1: 3D Model of Proposal in Context, Looking Northeast
Attachment 2: 3D Model of Proposal in Context, Looking Southwest
Attachment 3: Location Map
Attachment 4: Site Plan
Attachment 5: Official Plan Land Use Map
Attachment 6: Site and Area-Specific Policy No. 21 (SASP 21) Map

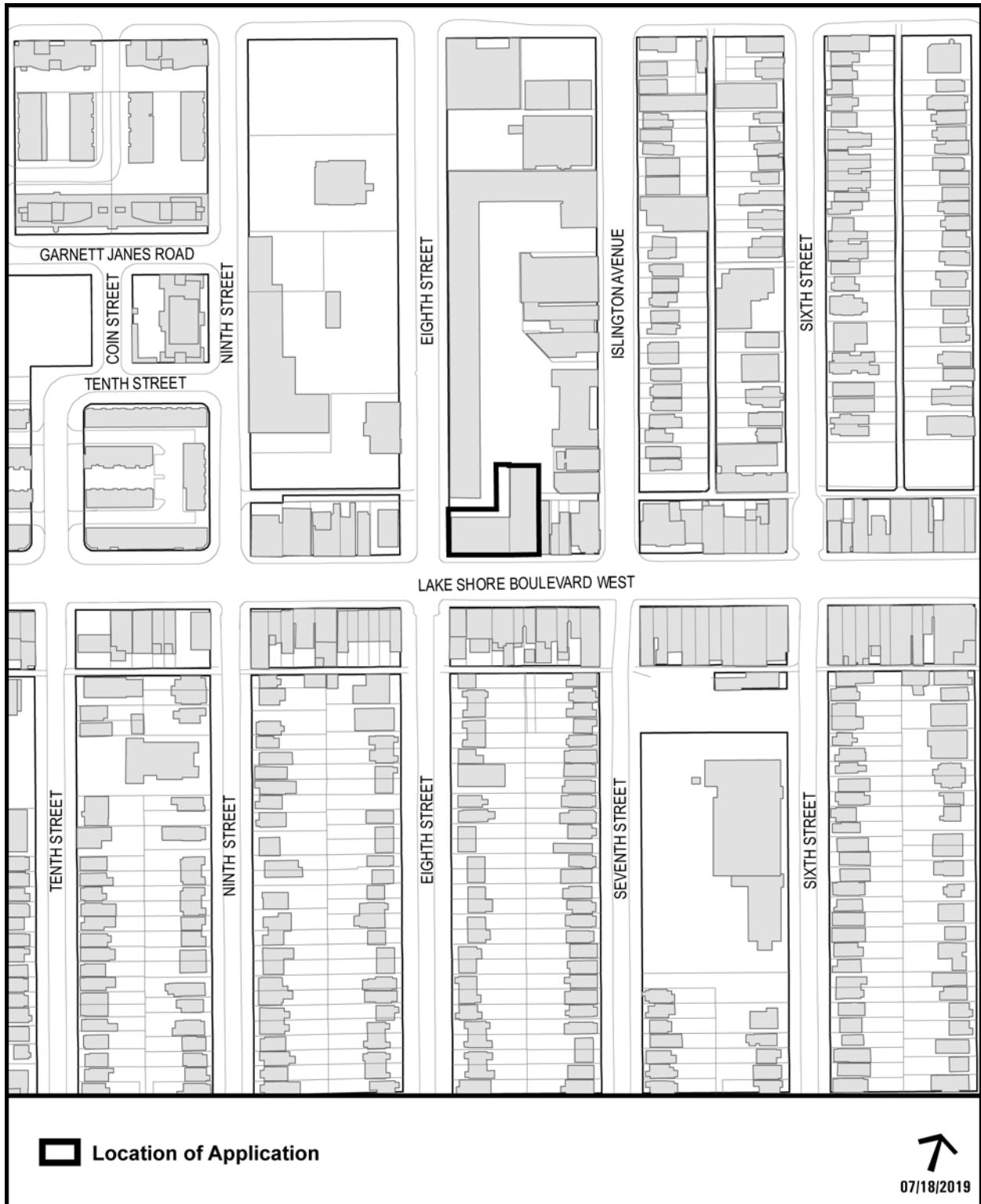
Attachment 1: 3D Model of Proposal in Context, Looking Northeast



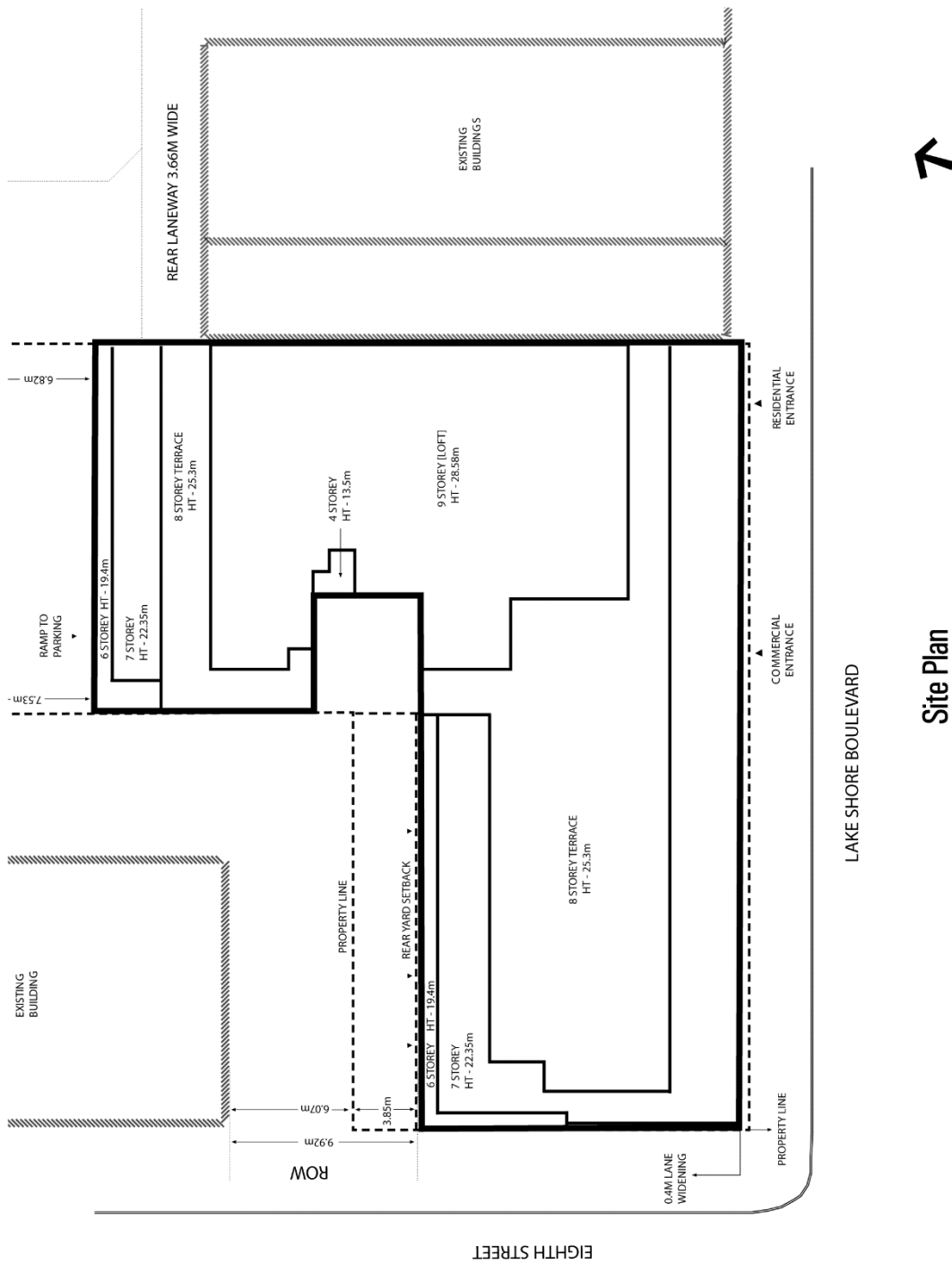
Attachment 2: 3D Model of Proposal in Context, Looking Southwest



Attachment 3: Location Map



Attachment 4: Site Plan



Site Plan

Attachment 5: Official Plan Land Use Map



Official Plan Land Use Map #15

2950 - 2970 Lake Shore Blvd. West

File # 19 146505 WET 03 0Z

-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas
-  Parks
-  General Employment Areas


Not to Scale
07/18/2019

Attachment 6: Site and Area-Specific Policy No. 21 (SASP 21) Map

