

2950 and 2970 Lake Shore Boulevard West – Official Plan and Zoning Amendment Application – Request for Direction Regarding LPAT Hearing

Date: April 29, 2021

To: Etobicoke York Community Council

From: Acting Director, Community Planning, Etobicoke York District

Ward: 3 - Etobicoke-Lakeshore

Planning Application Number: 19 146505 WET 03 OZ

SUMMARY

The owner of the site at 2950 and 2970 Lakeshore Boulevard West has appealed the Official Plan and Zoning By-law Amendment application for these lands to the Local Planning Appeal Tribunal (LPAT) citing City Council's failure to make a decision on the application within the time period prescribed under the *Planning Act*. A Case Management Conference was held on February 26, 2021 and a second Case Management Conference is scheduled for June 22, 2021.

This application proposes to amend the Official Plan and the Zoning By-law for the properties located at 2950 and 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.

The purpose of this report is to seek City Council's direction for the City Solicitor and other appropriate City staff to attend the Local Planning Appeal Tribunal hearing to oppose the application, as currently proposed. The proposed development is not consistent with the Provincial Policy Statement (2020) and does not conform with the Growth Plan for the Greater Golden Horseshoe (2020). This report reviews and recommends refusal of the application in its current form with respect to the proposed building height, massing and density. The proposed building height and density are not in keeping with the existing or planned context for the *Avenues* area along Lake Shore Boulevard West as identified in Official Plan policies, Site and Area Specific Policy 21, The Lake Shore Boulevard West Urban Design Guidelines or The Lake Shore Boulevard West Avenue Study (2004).

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with appropriate City staff, to attend the Local Planning Appeal Tribunal (LPAT) hearing to oppose the applicant's appeal of the Official Plan and Zoning By-law Amendment application for 2950 and 2970 Lakeshore Boulevard West.

2. City Council authorize the City Solicitor and appropriate staff to continue to seek revisions to the proposal and to continue discussions with the applicant in an attempt to resolve the issues outlined in this report to the satisfaction of the Chief Planner and Executive Director, City Planning and to report back to City Council on the outcome of discussions, if necessary.

3. In the event the LPAT allows the appeal in whole or in part, City Council direct the City Solicitor to request the LPAT to withhold the issuance of any Order(s) on the appeal for the subject lands until the LPAT is advised by the City Solicitor that the following conditions have been fulfilled:

a. The proposed Official Plan Amendment and Zoning By-law Amendments are in a final form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;

b. The owner has submitted a detailed wind tunnel test complete with a statistical wind analysis to determine the impacts and efficacy of the recommended wind mitigation measures, evaluated to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner shall construct and maintain any required mitigation measures, to be secured through the site plan application review process, to the satisfaction of the Chief Planner and Executive Director, City Planning;

c. The owner has submitted a Rental Housing Demolition and Conversion Declaration of Use and Screening Form to confirm whether there are any existing rental units on the subject site, evaluated to the satisfaction of the Chief Planner and Executive Director, City Planning;

d. The owner has submitted revised architectural plans showing:

1. A minimum of 10% three-bedroom units and a minimum of 15% two-bedroom units and information regarding unit sizes which meet the objectives of the Growing Up Urban Design Guidelines;

2. Dimensions for all standard parking spaces which shall comply with the minimum dimensional requirements, as per Section No. 200.5.1.10 of City

of Toronto Bylaw No. 569-2013, evaluated to the satisfaction of the General Manager of Transportation Services;

3. Accessible parking spaces provided in accordance with the supply and dimensional requirements in Section No. 200.15 of City of Toronto Zoning By-law 569-2013, as amended by By-law No. 579-2017, evaluated to the satisfaction of the General Manager of Transportation Services;

4. Loading spaces for the proposed mixed-use development provided according to Section No. 220.5.10 of City of Toronto Zoning Bylaw No. 569-2013, evaluated to the satisfaction of the General Manager of Transportation Services; and

5. Each required loading space with the minimum dimensions as per Section No. 220.5.1.10 of City of Toronto Zoning Bylaw No. 569-2013, evaluated to the satisfaction of the General Manager of Transportation Services.

e. The owner has provided space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681 evaluated to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services;

f. The owner has submitted a revised Functional Servicing Report to determine the stormwater runoff, sanitary flow and water supply demand resulting from this development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development and if upgrades/improvements to the existing municipal infrastructure are required to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services;

g. The owner has made satisfactory arrangements with the City and entered into the appropriate financially secured Development Agreement with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to accommodate this development, according to the Functional Servicing Report accepted by the Chief Engineer and Executive Director of Engineering and Construction Services; and

h. The owner has submitted a revised Transportation Impact Study and Parking Justification, demonstrating that the requested parking ratios are acceptable, evaluated to the satisfaction of the General Manager of Transportation Services.

4. City Council authorize the City Solicitor and appropriate City staff to take such necessary steps, as required, to implement City Council's decision.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

PROPOSAL

This application proposes to amend the City of Toronto 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 for the lands at 2950-2970 Lake Shore Boulevard West to permit a 9-storey (28.8 m in height) mixed-use building containing 95 residential rental units and retail use at-grade. The application proposes a total gross floor area of 8,683 m², including 8,198 m² of residential uses and 485 m² of retail uses for a Floor Space Index of 5.71 times the area of the lot.

As currently proposed, the 95 rental units would comprise 27 studio units (28.4%), 37 one-bedroom units (38.9%), 15 two-bedroom units (15.8%) and 16 three-bedroom units (16.8%). The applicant proposes a total of 32 residential parking spaces within a 1-storey underground garage. Vehicular access to the garage would be provided from Eighth Street via an existing private laneway located on the adjacent site to the north and facilitated through an existing easement. No visitor or retail parking spaces are proposed. The proposed development would include a bicycle storage area at-grade 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 would also be provided at the rear of the building.

Approximately 215 m² (2.3 m² per unit) of indoor amenity space and 250 m² (2.6 m² per unit) of outdoor amenity space would be provided. Indoor amenity space would be provided at grade and on floor 8 while outdoor amenity space would be provided on an 8th floor terrace with access to the 8th floor indoor amenity.

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.

Site and Surrounding Area

The subject site is comprised of 2 properties located on the north east corner of Lake Shore Boulevard West and Eighth Street (see Attachment 2: Location Map) within the New Toronto neighbourhood. The site is "L" shaped with approximately 45.9 m of frontage along Lake Shore Boulevard West to the south and 23.1 m of frontage along Eighth Street along the west property line. The maximum depth is approximately 45 m along the east property line. The interior west side lot line has a depth 22.6 m. The site is currently occupied by a 4-storey commercial office building (2970 Lake Shore Boulevard West) and a 2-storey retail building (2950 Lake Shore Boulevard West). The subject site has a total lot area of approximately 1,518.6 m². Surrounding land uses include:

North: Directly adjacent to the north are two low-rise (4-storey) apartment buildings fronting Eighth Street and Islington Avenue and designated *Apartment Neighbourhoods*. The apartment fronting Eighth Street is "J" shaped with surface parking located at the rear of the building. The "J" shaped apartment has existing setbacks of 6.1 m and 8.4 m to the north and interior west property lines of the subject site, respectively. An easement located within the 6.1 m setback between the existing apartment building and the north property line of the subject site provides vehicular access to both the existing uses on the subject property and the "J" shaped apartment to the north.

Further north is a 2-storey office building and a place of worship, both fronting Islington Avenue and designated *Mixed Use Areas* and *General Employment Areas*, respectively. To the northeast are 1 to 2-storey detached and semi-detached dwellings designated *Neighbourhoods*. To the northwest are lands designated *Mixed Use Areas* and containing a municipal parking lot, a 2-storey firehall, open storage associated with a lumber facility, and a vacant site where a new 6-storey residential building was approved by City Council on September 30, 2020 (150 Eighth Street).

West: Across Eighth Street are 1 to 3-storey mixed-use buildings fronting Lake Shore Boulevard West and having access to a municipally owned laneway to the rear. Further west is a 3-storey townhouse development fronting Lake Shore Boulevard West.

East: 1 to 2-storey mixed-use buildings fronting Lake Shore Boulevard West and Islington Avenue. Across Islington Avenue is a 1-storey Employment Ontario building and further east are more 1 to 2-storey commercial and mixed-use buildings fronting Lake Shore Boulevard West.

South: Across Lake Shore Boulevard West are 1 to 2-storey commercial and mixed-use buildings fronting Lake Shore Boulevard West. Further south is a residential area consisting of 1 to 2-storey detached and semi-detached

dwellings designated *Neighbourhoods*. To the southeast is the Seventh Street Junior School. To the southwest are 1 to 2-storey detached and semi-detached dwellings.

Reasons for the Application

An application to amend the Official Plan and 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.

APPLICATION BACKGROUND

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. Staff raised concerns regarding the need for adequate setbacks and separation distances to the adjacent site to the north.

Despite staff concerns, the current application for a 9-storey mixed-use building was submitted on April 30, 2019 and deemed complete on May 30, 2019.

A Preliminary Report was considered by Etobicoke York Community Council on September 16, 2019. The Preliminary Report noted that Planning staff did not support the proposal in its current form as it was not consistent with the Provincial Policy Statement and did not conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe nor the Official Plan. However, the Preliminary Report also noted staff's desire to continue working with the applicant to achieve a redevelopment proposal that was more in keeping with both provincial and municipal policies. The Preliminary Report on the application was adopted by Etobicoke York Community Council on September 16, 2019 authorizing staff to conduct a community consultation meeting. The

Preliminary Report is available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EY8.3>.

The community consultation meeting was held on November 4, 2019.

No revisions or resubmissions have been received to date.

On April 23, 2020, the applicant appealed the application to the Local Planning Appeal Tribunal, citing City Council's failure to make a decision on the application within the time period prescribed by the *Planning Act*. A Case Management Conference was held on February 26, 2021 and a second Case Management Conference is scheduled for June 22, 2021.

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Architectural Plans;
- Context Plan;
- Survey Plans;
- Tree Assessment Letter;
- Landscape Concept Plan;
- Planning Justification Report;
- Draft Official Plan Amendment;
- Draft Zoning By-law Amendment;
- Urban Design Brief;
- Sun/Shadow Study;
- Preliminary Wind Study;
- Functional Servicing Report and Stormwater management Report;
- Hydrogeological Investigation;
- Preliminary Geotechnical Investigation; and
- Toronto Green Standards Version 3.0 Checklist.

The above reports/studies can all be found here:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>.

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

Community Consultation

Planning staff, in consultation with the Ward Councillor, hosted a community consultation meeting on November 4, 2019 at St. Margaret's Anglican Church (156 Sixth Street) in order to present/discuss the development application. Approximately 40 members of the public attended along with staff from the Councillor's office, the applicant, their consulting team and City staff. Planning staff presented the planning policy framework and provided an overview of the application. The applicant provided further details on the proposal and its planning rationale. The main issues raised by residents at this meeting include:

- Concerns over the proposed building height and massing;
- Concerns over the proposed architectural style;
- Support for affordable rental units;
- Concerns over the viability of street level retail and a lack of employment uses (offices) within the second and third storeys of the building;
- Interest in including affordable space for artists and galleries,
- Interest in including a mural on the side wall;
- Concern over parking deficiency and increased traffic congestion; and
- Concern for environmental impact of the new building, including sustainable elements and bird-friendly treatments.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. City Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS and conform with Provincial Plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") 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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the "Growth Plan (2020)") came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act*.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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.

The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020), take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the *Planning Act* all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

The Growth Plan (2020) contains policies pertaining to population and employment densities that should be planned for in Major Transit Station Areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10 minute walk. The Growth Plan (2020) requires that, at the time of the next Municipal Comprehensive Review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs are planned for the prescribed densities. The site is not located on a higher order transit corridor, and it is approximately 2.5 kilometers from the Mimico GO.

Toronto Official Plan

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 also subject to Site and Area Specific Policy No. 21 (SASP 21).

Map 3 of the Official Plan, Right-Of-Way Widths Associated with Existing Major Streets shows that the planned right-of-way width for the portion of Lake Shore Boulevard West where the site is located is 27 m.

Map 4 of the Official Plan, Higher Order Transit Corridors shows that there is no higher order transit on Lake Shore Boulevard West where the site is located.

Map 5 of the Official Plan, Surface Transit Priority Network shows that Lake Shore Boulevard adjacent to the site is identified as a Transit Priority Segment.

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

SASP 21

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*.

SASP 21 and the Lake Shore Boulevard West Urban Design Guidelines have their origins in the policies of the former City of Etobicoke Official Plan – Central/Western Lake Shore Area Secondary Plan which covered the stretch of Lake Shore Boulevard West through the New Toronto and Long Branch neighbourhoods. In 2003/2004 an Avenue Study was undertaken for the section of Lake Shore Boulevard West between Etobicoke Creek and Twenty Fourth Street (Long Branch). The study resulted in an Official Plan Amendment, Zoning By-law Amendment and modifications to Site and Area Specific Policy 21, which resulted in SASP 21 in its current form. Specifically, the modifications to SASP 21 was to allow for building heights over 4-storeys, up to 6-storeys in certain locations, with the potential for higher building heights where lot depths exceed 35 metres within the Long Branch neighbourhood.

Chapter 2 – Shaping the City

Avenues are identified as areas of growth and reurbanization in the Official Plan. However, each Avenue is different in terms of the level of anticipated growth with respect to lot sizes and configuration, street width, existing uses, neighbouring uses, transit service and streetscape potential. As such, the Official Plan requires a vision and implementation plan for *Avenues* to be established through an Avenue Study.

Policy 2.2.3.3 allows for development on the *Avenues* prior to an *Avenue* study provided that the development will be considered on the basis of all the policies of the Official Plan. Development on the *Avenues* prior to an *Avenue* study will implement the policies of the Plan for the relevant designation area(s).

Although no Avenue Study has been completed for this stretch of Lake Shore Boulevard West, SASP 21 and the Lake Shore Boulevard West Urban Design Guidelines provide direction on the scale and intensity of development.

The subject site abuts lands designated *Apartment Neighbourhoods* to the north. *Apartment Neighbourhoods* are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. All land uses provided for in the *Neighbourhoods* designation are also permitted in Apartment Neighbourhoods. *Apartment Neighbourhoods* are considered stable areas of the City where significant growth is not anticipated, but where opportunities may exist for additional townhouses or apartments on underutilized sites or through redevelopment of underutilized or vacant sites.

Chapter 3 – Building a Successful City

Public Realm

The Public Realm policies (Section 3.1.1) promote quality architecture, landscape and urban design and construction that ensures that new development enhances the quality of the public realm. The Public Realm policies of the Official Plan recognize the

essential role of the City's streets, open spaces, parks and other key shared public assets in creating a great city. These policies aim to ensure that the public realm is beautiful, comfortable, safe and accessible

Section 3.1.2, Built Form, states that most of the City's future development will be infill and redevelopment sites and, as such, will need to fit in, respect and improve the character of the surrounding area. It also states that development 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 façade fits 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 Official Plan.

Built Form Policy 3.1.2.1 directs new development to be located and organized to fit with its existing and/or planned context. It will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development by:

- a) Generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback. On a corner site, the development should be located along both adjacent street frontages and give prominence to the corner. If located at a site that ends a street corridor, development should acknowledge the prominence of that site;
- b) Locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk;
- c) Providing ground floor uses that have views into and, where possible, access to, adjacent streets, parks and open spaces; and
- d) Preserving existing mature trees wherever possible and incorporating them into landscaping designs.

Built Form Policy 3.1.2.2 directs New development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces by:

- a) Using shared service areas where possible within development block(s) including public and private lanes, driveways and service courts;
- b) Consolidating and minimizing the width of driveways and curb cuts across the public sidewalk;
- c) Integrating services and utility functions within buildings where possible;
- d) Providing underground parking where appropriate;
- e) Limiting surface parking between the front face of a building and the public street or sidewalk; and
- f) Integrating above-ground parking structures, where permitted or appropriate, with building design, and having usable building space at grade facing adjacent streets, parks and open spaces.

Built Form Policy 3.1.2.3 directs new development to be massed and its exterior façade to be designed to fit harmoniously into its existing and/or planned context, and to limit its impacts on neighbouring streets, parks and open spaces and properties by:

- a) Massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportions;
- b) Incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- c) Create appropriate transition in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Plan;
- d) Providing for adequate light and privacy; and
- e) Adequately limiting any resulting shadowing of and uncomfortable wind conditions on, neighbouring streets, properties and open space, having regard for the varied nature of such areas.

Policy 3.1.2.4 establishes that new development will be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas.

Policy 3.1.2.5 establishes that new development will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by providing:

- a) Improvements to adjacent boulevards and sidewalks respecting sustainable design elements, which may include one or more of the following: trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, lighting and bicycle parking facilities;
- b) Co-ordinated landscape improvements in setbacks to create attractive transitions from the private to public realms;
- c) Weather protection such as canopies, and awnings;
- d) Landscaped open space within the development site;
- e) Landscaped edges of surface parking lots along streets, parks and open spaces to define the street edge and visually screen the parked autos;
- f) Safe pedestrian routes and tree plantings within surface parking lots; and
- g) Public art, where the developer agrees to provide this, to make the building and its open spaces more attractive and interesting

Finally, Built Form Policy 3.1.2.6 establishes that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development. Each resident of such development will have access to outdoor amenity spaces such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces.

Official Plan Amendment 480

On September 11, 2020, the Minister of Municipal Affairs and Housing issued a Notice of Decision approving OPA 480 regarding Built Form Policies which are final and not subject to appeal. OPA 480 was adopted as part of the Five-Year Official Plan Review pursuant to Section 26 of the *Planning Act*.

OPA 480 replaces Section 3.1.2 and 3.1.3 with new and revised policies for built form. It outlines (among other matters) that new development is required to provide good street proportion and transition in scale to adjacent developments through the use of setbacks, building heights, streetwall heights, step-backs, angular planes, orientation and other design measures.

New Policy 3 of Section 3.1.2 Development will protect privacy within adjacent buildings by providing setbacks and separation distances from neighbouring properties and adjacent building walls containing windows.

New Policy 6 of Section 3.1.2 Development will be required to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned contexts of neighbouring properties and the public realm.

Section 3.1.3 regarding tall buildings has been replaced with an expanded set of policies for low-rise, mid-rise and tall buildings. Each building typology is now defined through policy and non-policy text. Design criteria for each building typology provide policy objectives to ensure buildings respond to their local context and contribute to the public realm.

The text of Section 3.1.3 establishes that mid-rise buildings are a transit-supportive form of development that provides a level of intensification at a scale between low-rise and tall building forms. Mid-rise building heights are contextual and are informed by the width of the right-of-way onto which they front. Mid-rise buildings may vary in height between 4 and 11 storeys dependent on the adjacent right-of-way. Mid-rise buildings help establish and reinforce an urban environment through development form that is repeatable, moderate in scale, has good, predictable street proportion, and transition in scale that has predictable impacts on adjacent low-scale uses.

New Policy 4 of Section 3.1.3 directs that mid-rise buildings will be designed to have heights generally no greater than the width of the right-of-way that it fronts onto and Policy 5 directs that mid-rise buildings on corner sites with different right-of-way widths will have building heights along each street edge that relate to their corresponding right-of-way width.

New Policy 7 of Section 3.1.3 defines tall buildings as generally greater in height than the width of the adjacent right-of-way. New Policy 10 establishes that the tower portion of a building should be designed to reduce the physical and visual impacts of the tower

onto the public realm which should be achieved by providing appropriate separation distances from side and rear lot lines (amongst other means).

Although the application was not reviewed within these OPA 480 policies as the application submission predates these policies, these revised policies strengthen the existing built form policies and indicate the future direction and appropriate built form that fit within the context for the site, consistent with provincial policies.

Housing

The PPS (2020) and the Growth Plan (2020) acknowledge the importance of providing a full range of housing and identify affordable housing as a matter of Provincial interest. The provision of affordable, secure and diverse housing stock to meet housing needs for a wide range of people throughout their life is essential to the creation of complete communities.

Chapter 4 – Land Use Designations

Section 4.5 establishes that *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. Development in *Mixed Use Areas* will create a balance of high quality residential, commercial, institutional and open space uses that reduces automobile dependency and meets the needs of the local community. *Mixed Use Areas* will provide for new jobs and homes for Toronto's growing population on underutilized lands.

Section 4.5 also directs that not all *Mixed Use Areas* will experience the same scale or intensity of development. The highest buildings and greatest intensity will typically occur *Downtown*. Development along the *Avenues* will generally be at a much lower scale than in the *Downtown* and most often at a lower scale than in the *Centres*.

One of the key objectives of the Official Plan is for new development to provide built form transition and minimize shadow impacts from areas designated *Mixed Use Areas* to areas with different development intensity and scale. Other development criteria for *Mixed Use Areas* establish that new development should provide good site access, circulation and parking as well as provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Policy 4.5 of the Official Plan includes criterion that directs the form and quality of development in *Mixed Use Areas*. It is the intent that development in *Mixed Use Areas* will (among other matters):

- a) Create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;

- b) Provide for new jobs and homes for Toronto's growing population on underutilized lands in the *Downtown*, the *Central Waterfront*, *Centres*, *Avenues* and other lands designated *Mixed Use Areas*, creating and sustaining well-paid, stable, safe and fulfilling employment;
- c) Locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- d) Locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- e) Locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- f) Provide an attractive, comfortable and safe pedestrian environment;
- h) Take advantage of nearby transit services; and
- i) Provide good site access and circulation and an adequate supply of parking for residents and visitors.

Chapter 5 - Implementation: Making Things Happen

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a project that is greater than the zoning by-law would otherwise permit in return for community benefits. The Official Plan Policy 5.1.1 and City Council's approved Section 37 protocol establishes that the proposed development must represent good planning and meet a minimum size requirement of 10,000 m² and an increase in density of at least 1,500 m².

Policy 5.3.2.1 of the Implementation Plans and Strategies for City-Building section, states that design guidelines will be adopted to advance the vision, objectives and policies of the Plan. Urban design guidelines specifically are intended to provide a more detailed framework for built form and public realm improvements in growth areas. The Lake Shore Boulevard West Urban Design Guidelines, the Mid-Rise Building Performance Standards and the Growing Up Guidelines are discussed further in this report.

The outcome of the staff analysis and review of relevant Official Plan policies and designation noted above are summarized in the Comments Section of this report. The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Zoning

The site is zoned Commercial Residential (CR 3.0(c3.0; r3.0)(SS2)) under City-wide Zoning By-law No. 569-2013. The site is also zoned Commercial (C) under the former City of 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 have been used in the evaluation of this application:

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

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

Lake Shore Boulevard West Urban Design Guidelines

The Lake Shore Boulevard West Urban Design Guidelines provide direction on how development will occur on both sides of Lake Shore Boulevard West between Etobicoke Creek and Dwight Avenue, including the subject lands. The following are key built-form guidelines for development:

- Building profiles along the commercial-residential strip will be 4-storeys, rising to 6-storeys at major intersections and will include a 45 degree angular plane from adjacent existing residential uses.
- New buildings will help to create a more intimate atmosphere and a more pleasant pedestrian environment.
- Incorporate where appropriate terraced or tiered building designs of successive storeys.
- Incorporate architectural diversity through use of various materials, façade treatments and detailing.

The Lake Shore Boulevard West Urban Design Guidelines have their origins in the policies of the former City of Etobicoke Official Plan – Central/Western Lake Shore Area Secondary Plan which covered the stretch of Lake Shore Boulevard through the New Toronto and Long Branch neighbourhoods.

Avenues and Mid-Rise Buildings Study and Performance Standards

City Council adopted the Avenues and Mid-Rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and skyview, pedestrian realm conditions, transition to Neighbourhoods and Parks and Open Space Areas and corner sites. The link to the guidelines is here:

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

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable. Council's decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

The Lake Shore Boulevard West Urban Design Guidelines provide valuable context for the existing and planned direction for development along Lake Shore Boulevard West. The Mid-Rise Building Performance Standards may also be a useful planning tool in the evaluation of the proposed mid-rise built form. The Mid-Rise Building Performance Standards may serve to supplement the Lake Shore Boulevard West Urban Design Guidelines and help guide the review of this application. However, it is not the intent that the Performance Standards be used on a site-by-site basis to challenge Council-approved area specific plans, studies, by-laws or guidelines, particularly with respect to building heights or matters of transition.

Growing Up: Planning for Children in New Vertical Communities

The City Council-adopted Growing Up Urban Design Guidelines (2020) provide guidance on the proportion and size of larger units recommended in new multi-unit residential buildings. Guideline 3.0 states that the ideal unit size for large units, based on the sum of the unit elements, is 90 square metres for two-bedroom units and 106 square metres for three bedroom units, with ranges of 87-90 square metres and 100-106 square metres representing an acceptable diversity of sizes for such bedroom types while maintaining the integrity of common spaces to ensure their functionality.

The objective of these Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. These Guidelines are intended to implement the Housing Policies of the Official Plan.

The link to the Guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148362.pdf> and the accompanying staff report is available here:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148361.pdf>

Site Plan Control

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

COMMENTS

Planning Act, Provincial Policy Statement and Provincial Plans

Staff have determined that the proposal is not consistent with the PPS (2020) and does not conform with the Growth Plan (2020) for the reasons outlined below.

Planning Act

Section 2 of the *Planning Act* requires municipalities to have regard for matters of provincial interest, including, amongst other matters: (h) the orderly development of safe and healthy communities; (j) the adequate provision of a full range of housing, including affordable housing; (p) the appropriate location of growth and development; (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and (r) the promotion of built form that, (i) is well designed, (ii) encourages a sense of place and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant. These provincial interests are further articulated through the PPS and the Growth Plan.

The Provincial Policy Statement (2020)

The City is a development area and infill is encouraged under these policies. However, the direction of both the PPS and the Growth Plan is that planning authorities are responsible for identifying appropriate locations for growth. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area, and availability of infrastructure and public service facilities that meet projected needs. While the PPS encourages intensification and efficient development, it recognizes the existing local context is important and that well-designed built form contributes to overall long-term economic prosperity.

Through its Official Plan, the City has identified appropriate locations and opportunities for intensification. Although growth is intended to occur on this site as it is located along an *Avenue* and designated *Mixed Use Areas*, the level of intensification must reflect the existing and planned context as established by Official Plan policies, including in particular SASP 21, and the Official Plan aligned Lake Shore Boulevard West Urban Design Guidelines and the Mid-rise Building Performance Standards.

The level of intensification proposed through the 9-storey building combined with the proposed density and massing of the current proposal are not in conformity with the *Avenues* and *Mixed Use Areas* and Built Form policies of the Official Plan. As such, the proposed development is not consistent with Policy 4.6 of the PPS. The current proposal does not conform with the municipally established policies, and therefore is not consistent with the PPS to the extent that it does not comply with the municipal direction for growth.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan outlines that through their Official Plans, municipalities will develop and implement policies to achieve intensification by recognizing urban growth centres, intensification corridors and Major Transit Station Areas as key areas to accommodate intensification. The City's Official Plan directs growth to the Downtown, Centres, Avenues and Employment Areas. The Growth Plan also 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 an attractive and vibrant public realm.

The proposed development does not conform with the Growth Plan with respect to the municipality's direction that the location and nature of growth should occur in intensification areas in a manner suitable to the local context.

The Official Plan, and specifically SASP 21 provide direction and have established built form parameters for the growth envisioned for this site located on an *Avenue* that is consistent with the Growth Plan. The proposal for a 9-storey building does not conform with the policies of the Official Plan and SASP 21 which establish a building typology with heights of 4 to 6-storeys. The proposed development, particularly with respect to building height and built form does not fit within the existing and planned context of the area.

Both the PPS and the Growth Plan direct that planning in Ontario shall be done comprehensively, considering infrastructure, transportation and public facilities at the same time as land use considerations are reviewed. The proposed building scale of development is more appropriate where there is higher order transit and where it is supported by the existing and planned context. While adjacent to a streetcar service along Lake Shore Boulevard West, the site is not in close proximity to higher order transit (LRT, Go Transit station, Subway) and the established typology for mixed-use buildings in the area provides for heights of 4 to 6-storeys.

The proposed development is out of scale with the existing and planned context of Lake Shore Boulevard West; the proposal is not in a location with existing or planned higher order transit. The proposal does not conform to the Growth Plan as it does not comply with the municipal direction for location and form of growth.

Existing and Planned Context of Lake Shore Boulevard West

Lake Shore Boulevard West between Thirteenth Street and Dwight Avenue is the commercial main street of the New Toronto neighbourhood. West of Thirteenth Street to Twenty Fourth Street continues the commercial main street on the north side of Lake Shore Boulevard West but with the Humber College Campus located on the south side of Lake Shore Boulevard West.

The existing *Avenue* area context is dominated by 1 to 3-storey buildings with the majority being 2-storey commercial and mixed-use buildings. There are two 8-storey co-op apartment buildings located at the intersection of Lake Shore Boulevard West and Thirteenth Street and a 9-storey senior's centre at the corner of Lake Shore Boulevard West and Fourth Street which were large scale redevelopments on large and deep sites. The existing 4-storey building on the subject site is the tallest building along this segment of Lake Shore Boulevard West in New Toronto. As of the date of this report, no applications for buildings greater than 3-storeys have been received for this stretch of Lake Shore Boulevard West in New Toronto.

To the northwest of the subject site located by the intersection of Ninth Street and Garnett Janes Road is a complex of co-op apartment buildings with heights of 11 to 13-storeys. This development is part of Site and Area Specific Policy No. 9 (SASP 9) which was a large site redevelopment delivering new public roads, new parks and affordable housing on lands roughly bounded by Lake Shore Boulevard to the south, Ninth Street to the east, Birmingham Street to the north and Twelfth Street and Thirteenth Street to the west. The buildings within SASP 9 fronting Lake Shore Boulevard West are 3-storeys in height.

Also to the northwest of the subject site is a currently vacant lot, known municipally as 150 Eighth Street where a new 6-storey residential building was approved by City Council on September 30, 2020. The site is located between Ninth Street and Eighth Street situated north of a site used for open storage associated with a lumber yard. To the east of the site, across Eighth Street is the 4-storey apartment fronting Eighth Street and located directly adjacent to the north of the site subject to this application. The Final Report to Council for 150 Eighth Street notes that the proposed building height of 6-storeys provides for a gradual transition in height from the 14 and 12-storey buildings located on the west side of Ninth Street to the 4-storey residential apartment building located on the east side of Eighth Street and directly north of the subject site.

The subject site is located in the context of the Lake Shore Boulevard West commercial main street. While there are three taller buildings located along Lake Shore Boulevard West, the immediate context consists of 2-storey commercial and mixed-use buildings. Recent developments in the immediate area, have been sensitive to the existing built form by providing appropriate transitions in height (150 Eighth Street) or by maintaining the existing heights along Lake Shore Boulevard West (3-storey townhouses).

Height, Built Form and Massing

SASP 21 and the Lake Shore Boulevard West Urban Design Guidelines provide valuable context for the existing and planned context of Lake Shore Boulevard West.

Height

The site is identified as *Avenues* and designated *Mixed Use Areas* in the Official Plan. While these areas are identified as areas for intensification, new development is subject to policies and criteria regarding appropriate building typology and massing. This

application fails to conform with the Official Plan, SASP 21, the Lake Shore Boulevard West Urban Design Guidelines and the Mid-Rise Building Performance Standards.

The existing character of Lake Shore Boulevard West is that of 2 to 4-storey commercial main street. The Lake Shore Boulevard West Urban Design Guidelines and SASP 21 envision a low to mid-rise built form with maximum heights of 4-storeys or 6-storeys at major intersections. The subject site is not located at a major intersection.

The Mid-Rise Building Performance Standards apply only to the extent they supplement and do not override the intent of SASP 21 and the Lake Shore Boulevard West Urban Design Guidelines. The Mid-Rise Building Performance Standards identifies a key provision of mid-rise projects on *Avenues* to be heights no greater than the Right of Way (ROW) width. Lake Shore Boulevard West has a ROW width of 27 m through the New Toronto neighbourhood. In addition, the Mid-Rise Building Performance Standards Addendum clarifies that the maximum allowable height for mid-rise buildings must take into consideration:

- the existing and planned context; and
- setbacks, stepbacks, angular planes and other building envelop controls required through zoning and guidelines.

The proposed building would have a height of 9-storeys and 28.8 m, which would not represent good proportions to the adjacent street width, nor be in keeping with the maximum building heights identified for the area through SASP 21.

Transition and Massing

The proposed scale and massing of the development would result in an overwhelming presence which would not fit with the existing or planned context through SASP 21 nor provide adequate transition in height to the surrounding lower scale properties, particularly the adjacent 4-storey low-rise apartment buildings to the north and the 2-storey mixed-use buildings adjacent to the east.

Although the proposal provides some minor setbacks and stepbacks, these setbacks and stepbacks do not adequately achieve the objectives of the Official Plan given the overall building height exceeds the existing and planned context.

SASP 21 and the Lake Shore Boulevard West Urban Design Guidelines require a 45 degree angular plane to be provided from the property line of adjacent low-scale residential properties. Further, the Mid-Rise Buildings Study and Performance Standards provide direction for transition to adjacent *Apartment Neighbourhoods* through separation distances, setbacks, stepbacks and other provisions. Specifically, a minimum separation distance of 15 m is required from existing apartment buildings perpendicular to the *Avenue* property with minimal or no windows facing the *Avenue* property; and a minimum separation distance of 20 m is required from existing

apartment buildings where the existing setback is used as parking and windows are facing each other.

As the subject site is "L" shaped, the existing 4-storey apartment building to the north, is perpendicular to the portion of the site fronting Lake Shore Boulevard West and is parallel to the portion of the site with a depth of 45 m. The proposed building would have a rear (north) setback of 3.6 m adjacent to Eighth Street, resulting in a separation distance of 9.9 m from the north side of the proposed building to the southern wall of the existing apartment. The proposed setback from the interior side lot line (west) on the subject site, would be 0 m, resulting in a separation distance of 8.3 m to the east wall of the existing apartment. The south wall of the existing apartment has no windows while the east wall does. Both the north and interior west walls of the proposed building would include windows and inset balconies.

Adequate rear yard and side yard setbacks are required to provide transition to adjacent properties and existing buildings. The proposal negatively impacts the adjacent properties and limits their future development due to inadequate separation distances to existing buildings and the proposed setbacks on the subject site.

The existing pattern of development in the area and within the subject block is characterized by buildings framing the public streets and open space which allows for separation distances to be achieved between facing windows of buildings. The excessive depth of the proposed building, combined with the proposed separation distances to the existing buildings negatively impacts upon the light, view, and privacy of the existing 4-storey apartment buildings.

SASP 21 states that "Building height should not exceed a 45 degree angular plane from the property line of the adjacent low-scale residential properties. Measured from the north property line adjacent to Eighth Street, a 45-degree angular plane would intercept the building at approximately the 2nd floor.

Along the north (rear) side of the proposed building, a stepback of 1.15 m would be provided above the 6th floor, a further stepback of 2.75 m would be provided above the 7th floor, and a stepback of 3.25 m would be provided above the 8th floor. No stepbacks from the interior western lot line would be provided until above the 8th floor where an approximately 3 m stepback would be provided.

The Mid-Rise Building Performance Standards also provide direction for side stepbacks and blank walls along *Avenues*. Specifically, blank walls may be acceptable up to a height of 6-storeys and a side stepback of 5.5 m should be provided above the 6th storey. The proposed building would have a blank wall the entire height of the building (9-storeys) with no stepbacks from the adjacent site to the east, currently occupied by a 2-storey mixed use building. No east side transition is provided.

Official Plan Built Form Policy 3.1.2.3 directs growth to be massed to fit harmoniously into its existing and/or planned context, create appropriate transition in scale to

neighbouring existing and/or planned context, and in particular to locate and mass new buildings to provide a transition between areas of different development intensity and scale.

With a lack of appropriate transition to the adjacent buildings both to the north and east and a total proposed building height of 9-storeys and 28.8 m that substantially exceeds the existing or planned context of Lake Shore Boulevard West the proposal does not provide appropriate transition between areas of different development intensity and scale and does not fit harmoniously into its existing and/or planned context.

Staff are of the opinion that a decreased overall building height to 6-storeys and increased setbacks and stepbacks are required to provide for adequate transition, sunlight, comfort and privacy. A building height of 6-storeys would be in keeping with the general direction of SASP 21 and the Lake Shore Boulevard Urban Design Guidelines, while also meeting the objectives of the Official Plan for the reurbanization of the *Avenues*. Staff are of the opinion that the proposal should be revised to conform to the Official Plan, SASP 21, the Lake Shore Boulevard West Urban Design Guidelines and be more consistent with the direction of the Mid-Rise Performance Standards.

Density

The existing zoning and policies of SASP 21 provide for a maximum density of 3.0 times the lot area. The proposal would have a density of 5.71 times the lot area, almost double the currently permitted density. As the proposal does not provide appropriate transition and has a height that is not in keeping with the existing or planned context of Lake Shore Boulevard West, staff are of the opinion that the proposed density is not appropriate for the site.

Sun and Shadow

Shadow impacts affect the thermal comfort and enjoyment of being outside as well as the provision of adequate light. Shadows are impacted by the size, location and shape of building floor plates, building height, building setbacks, as well as the time of year and angle of the sun.

There are a number of Official Plan policies which address appropriate sun and shadow impacts. Policy 3.1.2.3 e) refers to massing of new development providing adequate light and limiting shadows and wind on streets, properties and open spaces. Development Criteria in *Mixed Use Areas* Policies 4.5.2 d) to 4.5.2 f) establish that new development should adequately limit impacts such as shadows on adjacent *Neighbourhoods*, streets, parks and open spaces, and should frame the edges of streets and parks, with a focus on generating comfortable conditions through measures that provide for adequate sunlight conditions.

A Sun/Shadow Study was submitted by the applicant illustrating the extent of shadowing that would result from the proposed development for March and September 21st showing times between 9:18 a.m. through to 6:18 p.m. inclusive during all

equinoxes. Planning staff require a revised Shadow Study to be submitted that would illustrate the June and December 21st conditions. The sun/shadow study shows the adverse effect of the 9-storey building on the existing residential apartments to the north of the property. The proposed building would shadow the east facing units in the southern portion of the existing apartment building. The proposed building would shadow the eastern face of that building through the entirety of the morning hours.

The proposed development does not meet the intent of Official Plan Policy 3.1.2.3 as the proposed development would create a substantial shadowing impact on the south end of the adjacent property to the north. This is not acceptable, and the height and the position of the building should be adjusted to minimize that impact. Staff are of the opinion that reducing the height of the proposal and providing appropriate setbacks and stepbacks to the adjacent property to the north would aid in minimizing shadowing and lessen the negative impacts on the adjacent properties.

Wind

The Official Plan establishes that new development should not result in uncomfortable wind impacts. The development of the site should be designed to ensure that comfortable wind conditions are maintained on the streets and public spaces around buildings as well as for the building itself (amenity areas and balconies).

A Preliminary Wind Study was submitted in support of the application with a note indicating that a wind tunnel testing will be conducted for the Final Wind Study, to be submitted in support of the future Site Plan Application. The Preliminary Wind Study suggests that the proposed outdoor amenity space does not have comfortable wind condition even in the summer, the letter suggested a 2 m wall along the amenity spaces on the rooftop. This would add to the height of the building and is not acceptable. The amenity space should be located where the pedestrian comfort levels are suitable for the intended use.

Planning staff are of the opinion that wind conditions are not appropriately determined through the Preliminary Wind Study. Rather, physical model wind tunnel assessments accurately identify and analyze areas of concern around the proposal as well as on amenity locations. Specific attention to entrances, pedestrian walkways and amenity areas should be provided.

As such, Planning staff require the submission of a physical model wind tunnel assessment to provide full modelling for the proposed development with adequate response measures to mitigate uncomfortable wind conditions at the public realm and at outdoor amenity spaces on the building. Uncomfortable wind effects that are demonstrated around and/or on the proposed development and should be mitigated and reduced through architecture and massing (stepbacks, setbacks, recesses and projections and other massing moves) and not simply through screening or landscaping. As such, staff are of the opinion the wind impacts of the current proposal must be resolved and addressed prior to any approval of this application.

In the event the Local Planning Appeal Tribunal allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request that LPAT withhold its order until the owner submits a detailed wind tunnel test complete with a statistical wind analysis to determine the impacts and efficacy of the recommended wind mitigation measures, evaluated to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner should also be required to construct and maintain any required mitigation measures, to be secured through the Site Plan application review process, to the satisfaction of the Chief Planner and Executive Director, City Planning.

Site Layout and Organization

Amenity Areas

The size of the proposed indoor and outdoor amenity spaces are acceptable. However, the proposed location of the outdoor amenity space is expected to be uncomfortable due to wind conditions. Consideration should be given to relocating the outdoor amenity space or mitigating the wind impact through architecture and massing (stepbacks, setbacks and other massing moves) and not simply through the addition of a 2 m high wall around the outdoor amenity space, screening or landscaping.

Bicycle Parking and Storage

The proposed total supply of 73 bicycle spaces is acceptable. The bicycle spaces would be provided on the first floor. During the Site Plan application review process, staff will confirm the final location and infrastructure used for bicycle parking.

Road Widening

A 0.4 m road widening along Lake Shore Boulevard West is required to satisfy the Official Plan requirements. The required road widening is to be conveyed through the Site Plan application review process to the satisfaction of the General Manager of Transportation Services and the City Solicitor.

Public Realm and Streetscape

The Public Realm policies of the Official Plan (Section 3.1.1) as well as OPA 479 recognize that a well-designed public realm is developed by creating comfortable, inviting, safe and accessible streets, parks and open spaces which are vital elements in creating a vibrant city. Both the Mid-Rise Building Performance Standards and the Streetscape Manual User Guide require a minimum boulevard width of 4.8 m curb to building face, which includes room for tree plantings, street furniture and a minimum sidewalk width of 2.1 m.

The existing streetscape includes a bus shelter along the Eighth Street frontage and two street trees along Lake Shore Boulevard West.

The proposal would result in a boulevard width of approximately 4.2 m along Lake Shore Boulevard West and approximately 4.6 m along Eighth Street. Staff note that these measures are approximate as the boulevard width is not shown on the submitted site plan or landscape plan. The two existing street trees are also not shown on the plans and no new plantings along either street are proposed.

Official Plan Policy 3.1.2.5 directs new development to provide amenity for adjacent streets to make them attractive, interesting, comfortable and functional for pedestrians. In order to meet the direction of Policy 3.1.2.5 the proposed building should have a setback from both Lake Shore Boulevard West and Eighth Street which ensures that a minimum boulevard width of 4.8 m is provided.

Growing Up Guidelines

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 Urban Design 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. 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 Urban Design Guidelines.

Rental Housing Demolition and Conversion By-law

Section 111 of the City of Toronto Act, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. The By-law prohibits the demolition or conversion of rental housing units in buildings containing six or more residential units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or the Chief Planner.

Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing. Council approval of demolition under Section 33 of the *Planning Act* may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the Building Code Act.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the Local Planning Appeal Tribunal.

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. To date a Housing Issues Report, and the Screening Form have not been submitted for review by City staff.

In the event the Local Planning Appeal Tribunal allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request that LPAT withhold its order until the owner submits a Rental Housing Demolition and Conversion Declaration of Use and Screening Form to confirm whether there are any existing rental units on the subject site, evaluated to the satisfaction of the Chief Planner and Executive Director, City Planning.

Traffic Impact, Access and Parking

A Traffic Impact Study was submitted in support of the proposal. The study concluded that the projected site traffic could be supported by the existing road network.

Access to the site is proposed via a private laneway shared by the subject property and the adjacent property to the north (135 Eighth Street) through an existing access easement (Instrument No. TB627027). Prior to accepting the proposed access via the existing easement, staff require confirmation that the proposal would meet any legal requirements of the easement and that no overburden of the easement would occur due to the proposed development.

The service areas, vehicular ramp and garbage storage have been located at the rear of the building. A Type 'G' loading space would be located at-grade at the rear of the building, which satisfies the minimum loading requirements according to Zoning By-law No. 569-2013. Solid Waste Services staff have identified revisions required to the submitted drawings.

A total of 32 vehicular parking spaces are proposed for residents only (0.33 parking spaces per dwelling unit). No visitor or retail parking is proposed. The applicant's study indicated that visitor and retail parking can be accommodated within the nearby Green P parking facilities or on-street public parking.

Transportation Services staff identified a number of issues and outstanding requirements with the information submitted and have indicated that off-site parking is not acceptable unless it is provided through the lease of off-site spaces at locations where spaces must be surplus to the donor site. Additional information such as width measurements for accessible parking spots and slope measurements for the parking ramp are also required.

In the event the Local Planning Appeal Tribunal allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request that LPAT withhold its order until the owner submits a Transportation Impact Study and Parking Justification, demonstrating that the requested parking ratios are acceptable, evaluated to the satisfaction of the General Manager of Transportation Services.

Servicing

The applicant submitted a Functional Servicing Report, a Stormwater Management Report, and a Hydrogeological Assessment which have been reviewed by Engineering and Construction Services staff. Staff advise that further analysis is required to determine the stormwater runoff, sanitary flow and water supply demand and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development or if upgrades/improvements to the existing municipal infrastructure are required. As such, staff advise that a revised Functional Servicing Report must be submitted to Engineering and Construction Services staff for review and acceptance.

In the event the Local Planning Appeal Tribunal allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request that LPAT withhold its Order until these matters are resolved to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

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. An archaeological assessment will be required to be submitted through the Site Plan application review process.

Tree Preservation

City of Toronto By-laws provide for the protection of trees situated on both private and City property. 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. Urban Forestry staff have also requested one to two additional trees be provided along Lake Shore Boulevard West in continuous soil trenches as per City standards, which will have to be shown on a revised landscape plan.

In principal, Urban Forestry staff do not object to the development, subject to the noted concerns and requirements being addressed to the satisfaction of Urban Forestry through the Site Plan application review process.

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.

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Performance measures for the Tier 1 development features such as automobile infrastructure and cycling infrastructure would be secured through the Official Plan and Zoning By-law amendment process. Other applicable TGS performance measures would be secured through the Site Plan application review process.

The applicant submitted a TGS Checklist, however it was substantially incomplete. Staff will require a complete checklist to be submitted and are of the opinion that discussions should continue with the applicant to ensure the proposal meets Tier 1 of the TGS.

Section 37

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.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020) and the Toronto Official Plan. Staff are of the opinion that the proposal is not consistent with the PPS (2020) and does not conform to, and conflicts with the Growth Plan (2020). Further, the proposal does not conform with the Toronto Official Plan, particularly regarding the *Avenues*, Built Form and *Mixed Use Areas* Policies. The following significant staff and community concerns have not been resolved: proposed building height; massing; setbacks and stepbacks; transition to surrounding low-scale properties (particularly the adjacent 4-storey apartment to the north and adjacent 2-storey mixed-use building to the east); lack of fit with its existing and planned context of the New Toronto section of Lake Shore Boulevard West.

The current proposal is not appropriate as the proposed development represents overdevelopment of the site which is not in keeping with the existing or planned context of the area. The proposal would establish an undesirable precedent, does not represent good planning and is not in the public interest in its current form.

Development on this site could be supported, should it provide an appropriate height, density, massing, transition of scale, and limit shadowing on the adjacent property, as directed in the Official Plan, SASP 21, the Lake Shore Boulevard West Urban Design Guidelines and the Mid-Rise Building Performance Standards.

It is therefore recommended that City Council direct the City Solicitor and other appropriate City staff to attend the Local Planning Appeal Tribunal hearing to oppose the appeal of the Official Plan and Zoning By-law Amendment application in its current form. It is also recommended that City staff continue discussions with the applicant to develop a revised proposal that addresses the issues set out in this report.

CONTACT

Rory McNeil, Planner,
Tel. No. (416) 394-5683,
E-mail: Rory.McNeil@toronto.ca

SIGNATURE

Angela Stea, MCIP, RPP
Acting Director, Community Planning
Etobicoke York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet
Attachment 2: 3D Model of Proposal in Context, Looking Northeast
Attachment 3: 3D Model of Proposal in Context, Looking Southwest
Attachment 4: Location Map
Attachment 5: Site Plan
Attachment 6: Official Plan Land Use Map
Attachment 7: Site and Area-Specific Policy No. 21 (SASP 21) Map

APPLICATION DATA SHEET

Municipal Address: 2950 and 2970 LAKE SHORE BLVD W **Date Received:** April 29, 2019

Application Number: 19 146505 WET 03 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: Proposed 9-storey mixed-use rental apartment building with 95 units and a total GFA of 8,683 square metres, of this, 485 square metres will be commercial GFA.

Applicant	Agent	Architect	Owner
JASON DE LUCA			ASMA INVESTMENTS INC

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas **Site Specific Provision:** Site and Area Specific No. 21 (SASP 21)

Zoning: CR & C

Heritage Designation:

Height Limit (m):

Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area (sq m): 1,518.6 **Frontage (m):** 45.9 **Depth (m):** 45

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,219		968	968
Residential GFA (sq m):			8,198	8,198
Non-Residential GFA (sq m):	3,492		485	485
Total GFA (sq m):	3,492		8,683	8,683
Height - Storeys:			9	9
Height - Metres:			29	29

Lot Coverage Ratio (%): 63.77

Floor Space Index: 5.71

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	8,198	
Retail GFA:	485	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:			95	95
Freehold:				
Condominium:				
Other:				
Total Units:			95	95

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		27	37	15	16
Total Units:		27	37	15	16

Parking and Loading

Parking Spaces: 32 Bicycle Parking Spaces: 73 Loading Docks: 1

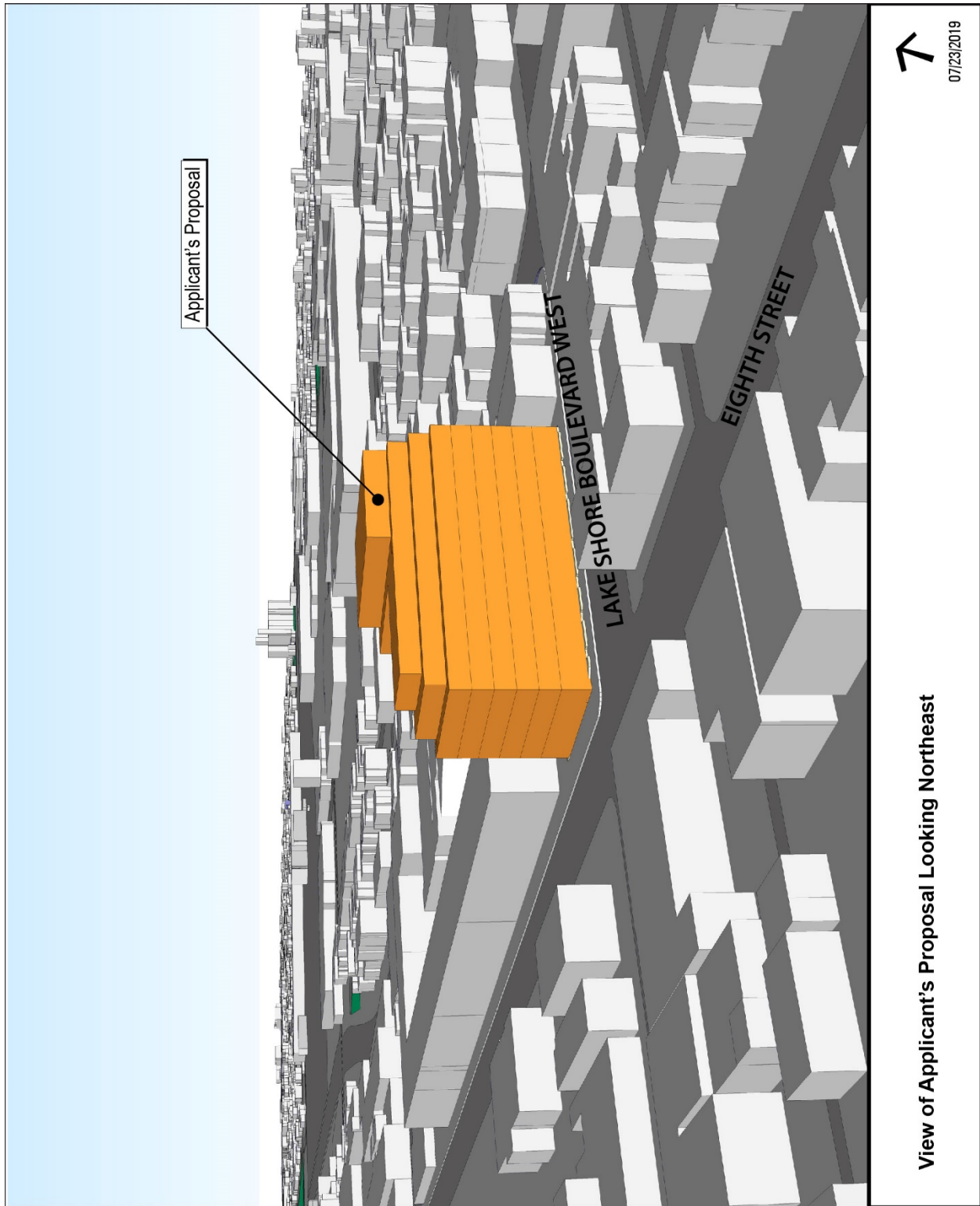
CONTACT:

Rory McNeil, Planner

(416) 394-5683

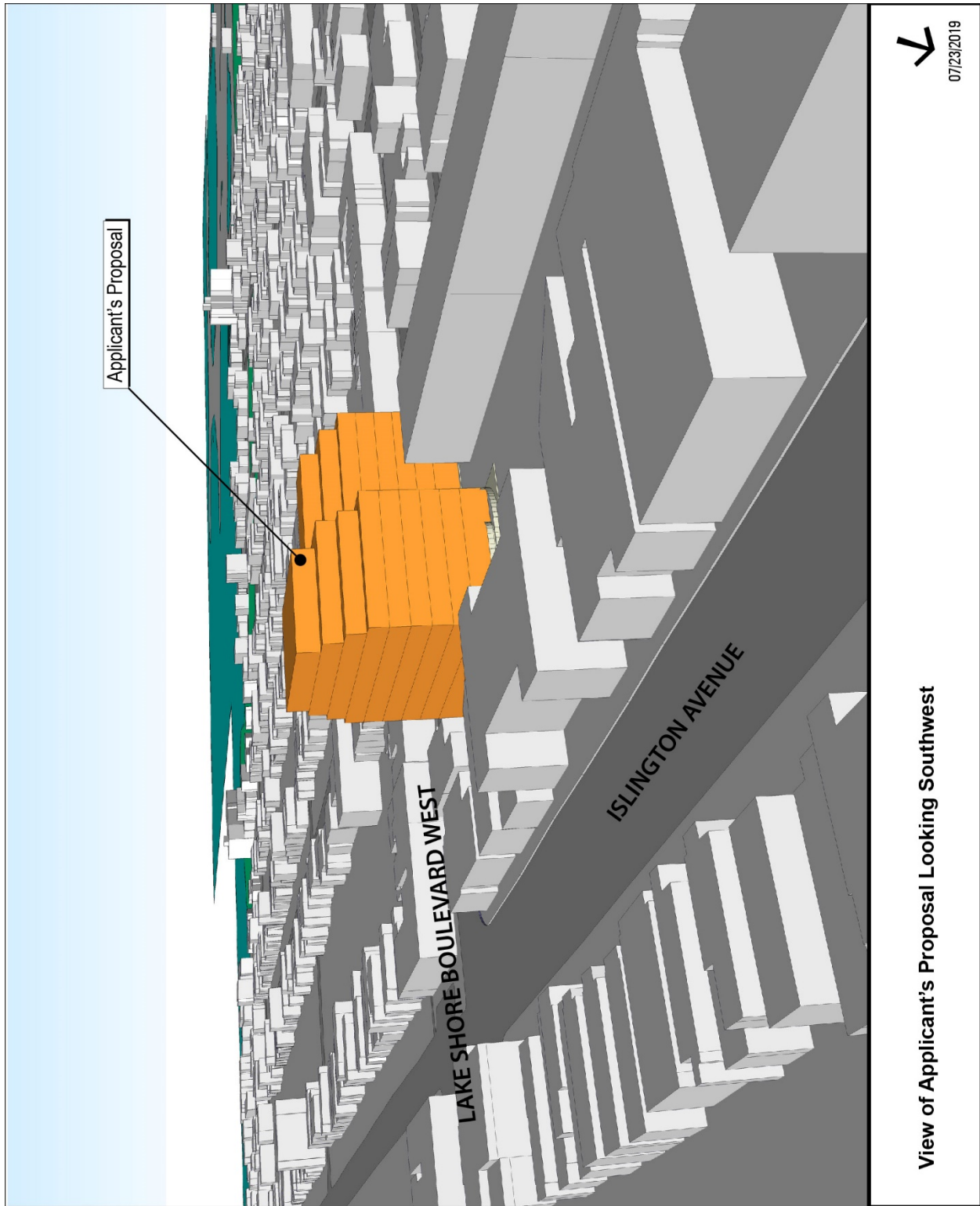
Rory.McNeil@toronto.ca

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

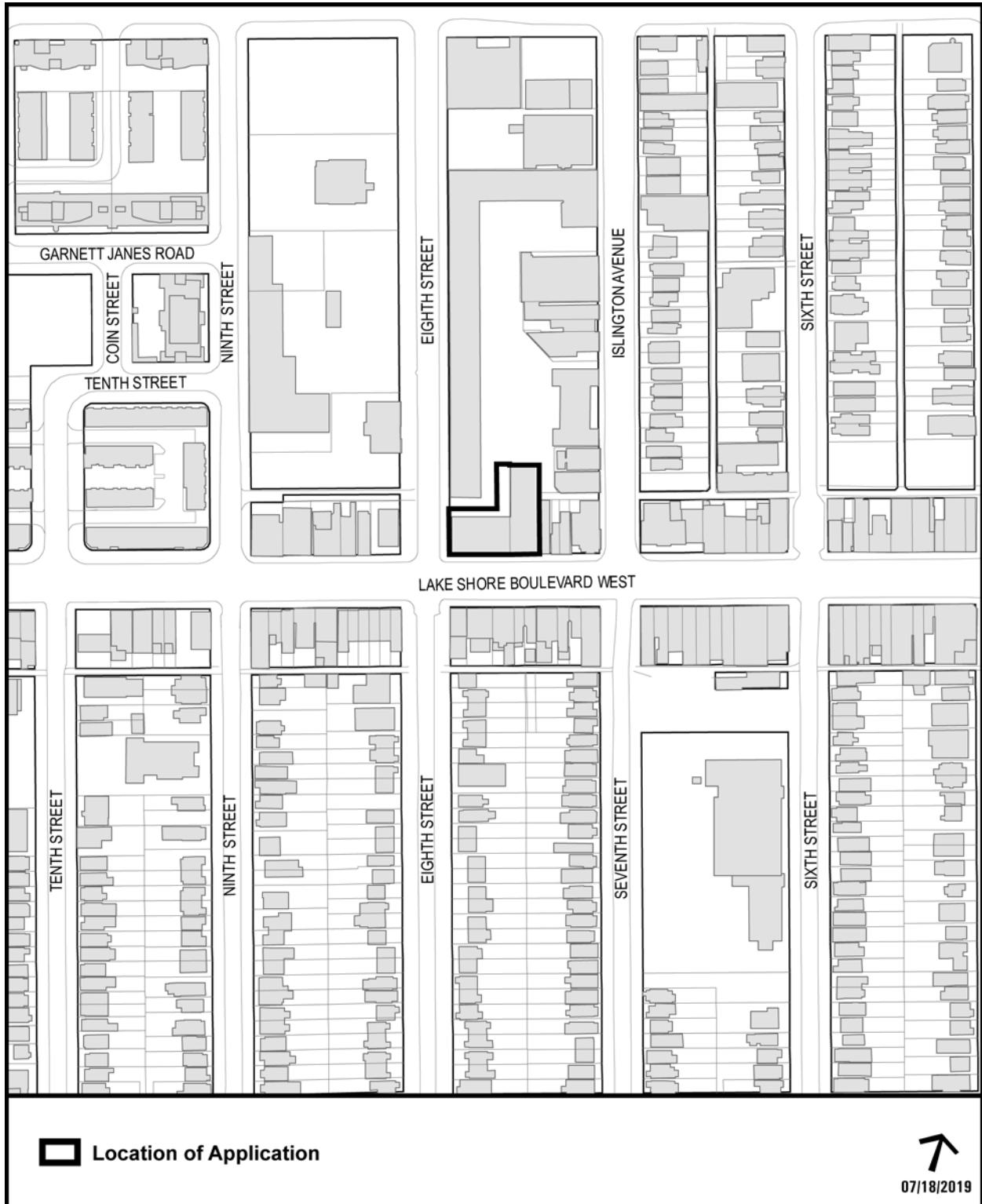


View of Applicant's Proposal Looking Northeast

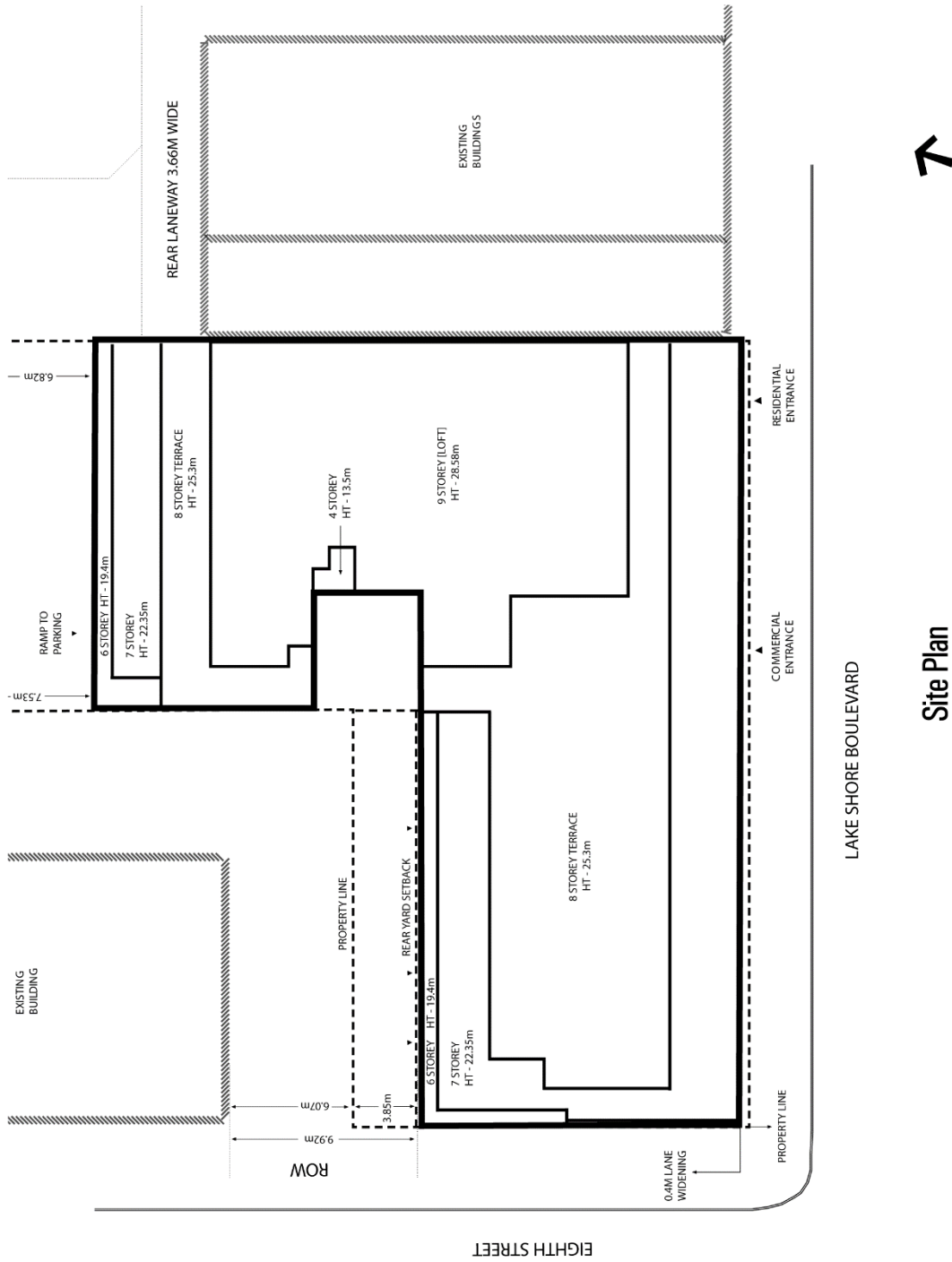
Attachment 3: 3D Model of Proposal in Context, Looking Southwest



Attachment 4: Location Map

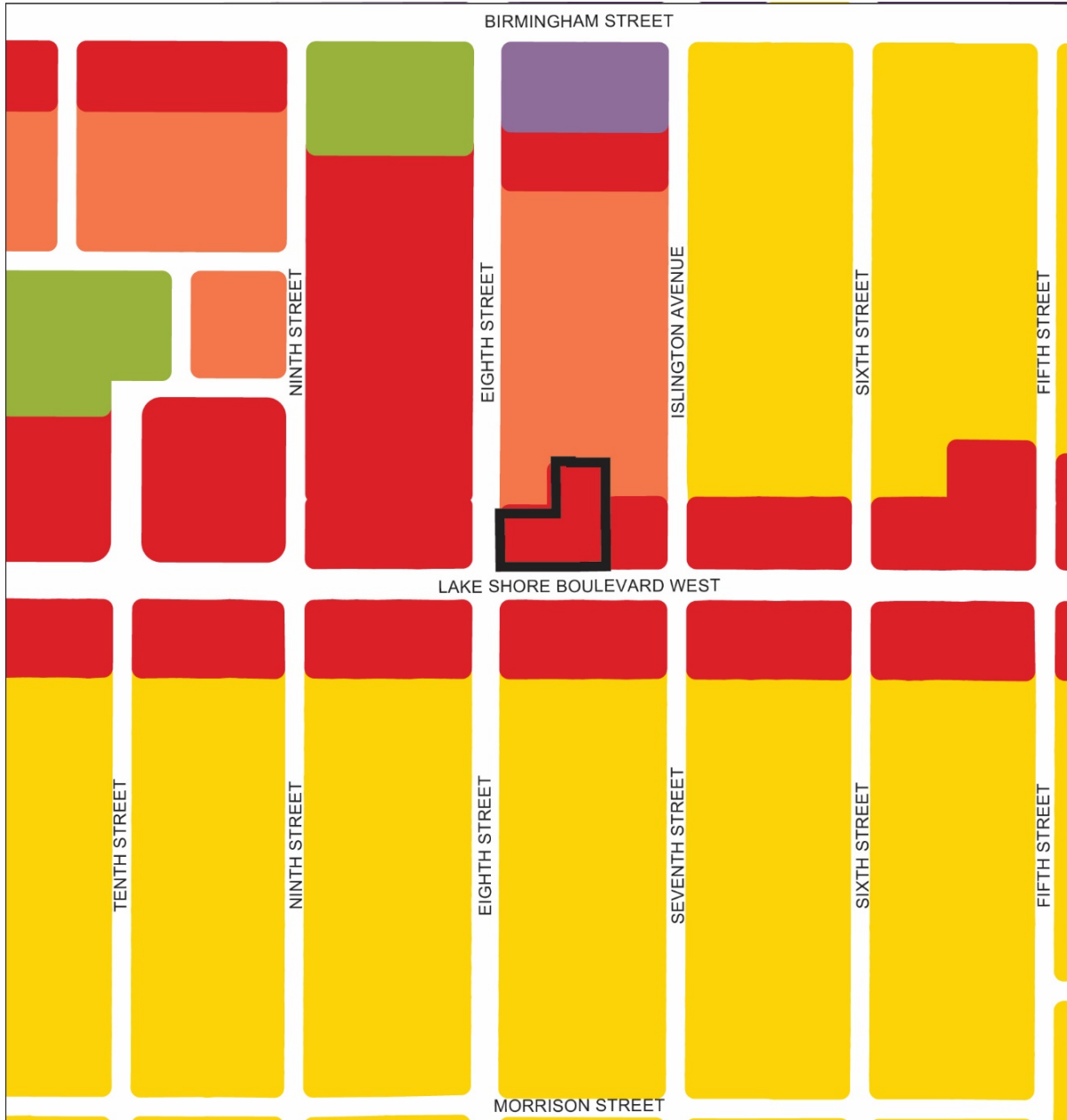


Attachment 5: Site Plan



Site Plan

Attachment 6: 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 7: Site and Area-Specific Policy No. 21 (SASP 21) Map

