



LAKESHORE PLANNING COUNCIL CORP.
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DATE: May 13, 2021

TO: Council Members of the Etobicoke York Community Council

RE: EY24.7 – 2950-2970 Lake Shore Blvd. West – Official Plan and Zoning Amendment Application

Statutory Documents

The primary Statutory documents governing the above site, which are issued under the Planning Act, are the Official Plan Site & Area Specific Policy (SASP) 21 and, strongly supported by, Zoning by-law 569-2013, Commercial Residential (CR 3.0(c3.0; r3.0)(SS2)).

SASP 305 is relevant to this application and to the former town of New Toronto. This will be addressed further on in this submission.

Both SASP 21 and the Zoning by-law for the site have been approved by LPAT/OMB (Local Planning Appeal Tribunal, formerly the OMB).

The proposed amendment application does not comply with **any** of the requirements for either of these Statutory documents.

Local Planning Appeal Tribunal (LPAT)

A legal precedent has been set by LPAT in May 2019, whereby LPAT upheld the requirements of the Zoning by-law, and refused to approve a 9-storey development on Bloor Street West, unless the application was altered to comply with the Zoning by-law.

Consequently, if at LPAT the City **opposes** the current application for a proposed development that does not comply with the Zoning by-law, and, in particular, does not comply with the Official Plan SASP 21, then there is a good chance the City will succeed.

4-Storeys

SASP 21 explicitly limits the maximum building height to 4-storeys at the site location, and all along Lake Shore Blvd. West, from Dwight Ave. to Twenty Second St. (New Toronto). SASP 21 also explicitly states that 6-storeys and higher is permitted from Twenty Second St. to 3829 Lake Shore Blvd. West (Long Branch).

The Planning Department Report for Action dated August 23, 2019, correctly states (page 7) that the “Building heights should not exceed four storeys”. The Report for Action dated April 29, 2021, improperly suggests that 6-storeys “would be in keeping with the general direction of SASP 21”.

The Zoning by-law stipulates a height limit of 14 metres, which is approximately 4-storeys: $4.5 + 3 + 3 + 3 = 4$ floors at total 13.5 metres

The majority of the buildings in the New Toronto area between Dwight Ave. and Twenty Second St. within SASP 21 are 2-storeys. Consequently, both SASP 21 and the Zoning by-law provide for an increase to 4-storeys effectively anticipating a future doubling of population and building density along Lake Shore Blvd. West from Dwight Ave. to Twenty Second St.

Angular Planes

The proposed development substantially penetrates the angular planes prescribed by SASP 21 and the Zoning by-law, which exist to protect the interests of adjacent residential properties. The angular planes again restrict building heights to 4-storeys or 14 metres as required by the Statutory documents.

SASP 21

For your review, SASP 21 is provided below together with a Map for illustration:

21. Lake Shore Boulevard Between Etobicoke Creek and Dwight Avenue

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:

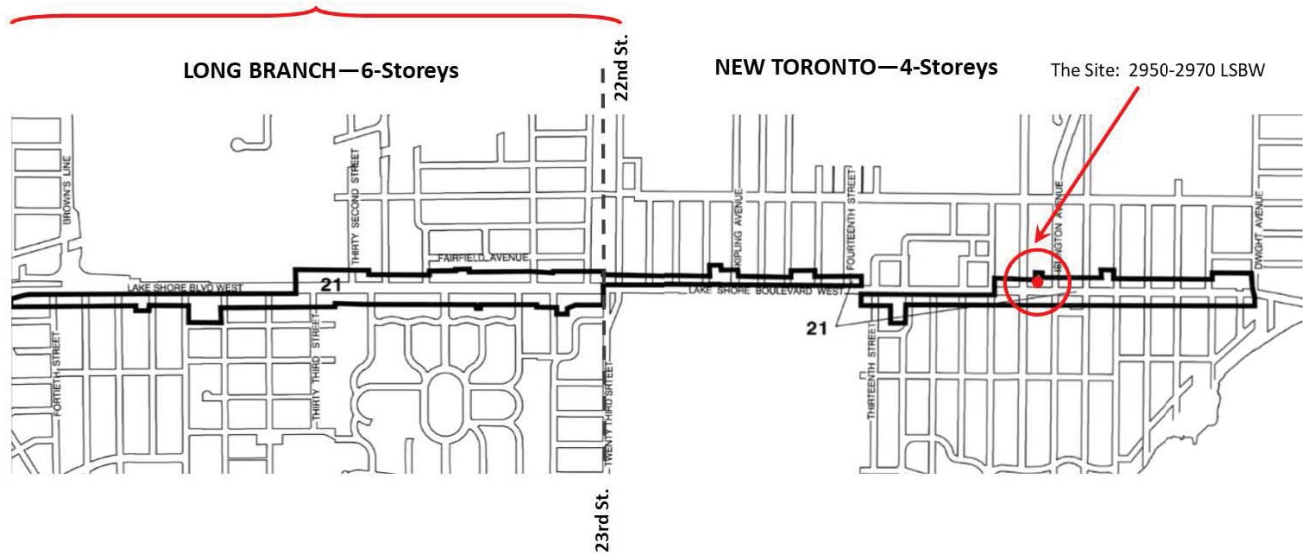
i) between Twenty Second Street and Twenty Third Street, where a six storey building is permitted if the extra height is stepped back from the street; and

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*.

Map of SASP 21 – indicating the boundary between Long Branch and New Toronto at 22nd/23rd Streets. Long Branch has a wider right-of-way of 36 metres where 6-storeys applies, and New Toronto has a lesser right-of-way width of 27 metres where 4-storeys applies.



2004 Urban Design Guidelines

The 2004 Urban Design Guidelines for Lake Shore Blvd. West contain blatant errors and cannot be relied upon, which was pointed out to the Planning Department in April 2021. The UDG are not Statutory documents and cannot over-ride the SASP 21 or the Zoning by-law. It is improper for the Planning Department to suggest that Council should rely on this document.

SASP 305 - Heritage

It is noted that SASP 305 provides a list of Potential Heritage Conservation Districts and includes New Toronto as noted below. This reinforces that the character of the neighbourhood should remain as low-rise, with a maximum building height of 4-storeys along Lake Shore Blvd. West from Dwight Ave. to Twenty Second St. in the New Toronto neighbourhood.

19. New Toronto

New Toronto, influenced by the arrival of the railway to the area developed as an industrial and residential neighbourhood in the late 19th and early 20th centuries. The Town was a very important industrial settlement during most of the twentieth century and, consequentially, retains a significant industrial heritage. The neighbourhood's housing stock is characterised by small frame and brick bungalows and modest two storey houses, which were built largely between 1910 and the 1950s. Larger single family homes are located closer to the lake, south of Lake Shore Boulevard. Memorial Park, which is located east of 22nd Street to the west of the neighbourhood, is an amenity focal point for the community. Generally, New Toronto is located south of the Canadian National Railway's mainline, north of Lake Ontario, east of 22nd Street and Colonel Smith Park and west of Dwight Avenue.

Mid-Rise Performance Standards

In June 2016, Council approved a planning staff report recommendation that:

The Performance Standards are not intended to be used to challenge Council-approved studies or Area-specific policies, by-laws or guidelines, particularly with respect to building heights and matters of transition.

Consequently, it is improper for staff to use the Mid-Rise Standards to over-ride SASP 21 and the Zoning by-law.

Parking

The development application proposes 95 residential units (conservatively, 143 residents), for which 95 parking spaces are required in order to comply with zoning requirements. Only 38 parking spaces will be provided. The result will be cars parked in the streets all over the neighbourhood, with the new residents driving out of the neighbourhood to work and back each day. This is an improper location for the proposed residential density. There are many other suitable locations. Most residents will not choose to take the streetcar to downtown Toronto for work, as it takes too long, or is not their work destination. They will want to use cars. The Growth Plan requires planning for complete communities, with a balance of jobs and housing in communities across the GGH to reduce the need for long distance commuting.

Jobs

The building at 2970 LSBW was an office building, providing approximately 127 office jobs (not minimum wage retail jobs). These jobs cannot be replaced with retail jobs. Where in this proposal are these jobs retained or replaced? In addition to affordable housing, there is an equally important need for jobs that pay well above the minimum wage (retail) of \$14-\$15 per hour. If the average monthly rent for a one-bedroom apartment in Toronto is \$1,800 and rent should be 30% of total income, then monthly income needs to be \$5,400 or \$64,800 per year.

The Best and Highest Use for the Sites

The best and highest use for 2970 LSBW is to retain it as an office building. The best and highest use for 2950 LSBW is to add two storeys and create one new office building with 2970 LSBW. Anticipated annual rental income at \$3.00 PSF would be \$1.364 million. One configuration for the composite site follows, creating 189 new office jobs. This best and highest use for the two sites as an office building complies with all Statutory regulations.

It is requested that Council members “do the right thing”, and ensure that any development on these two sites fully complies with SASP 21 and Zoning by-law 569-2013, Commercial Residential (CR 3.0(c3.0; r3.0)(SS2)).

Thank you in advance.

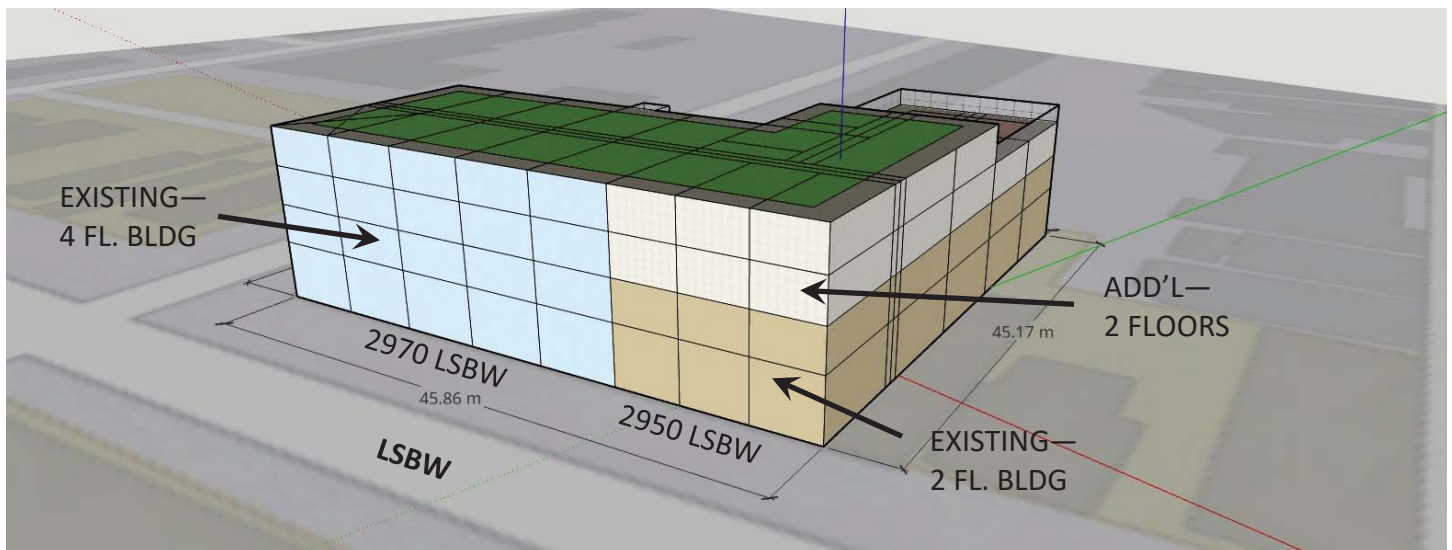
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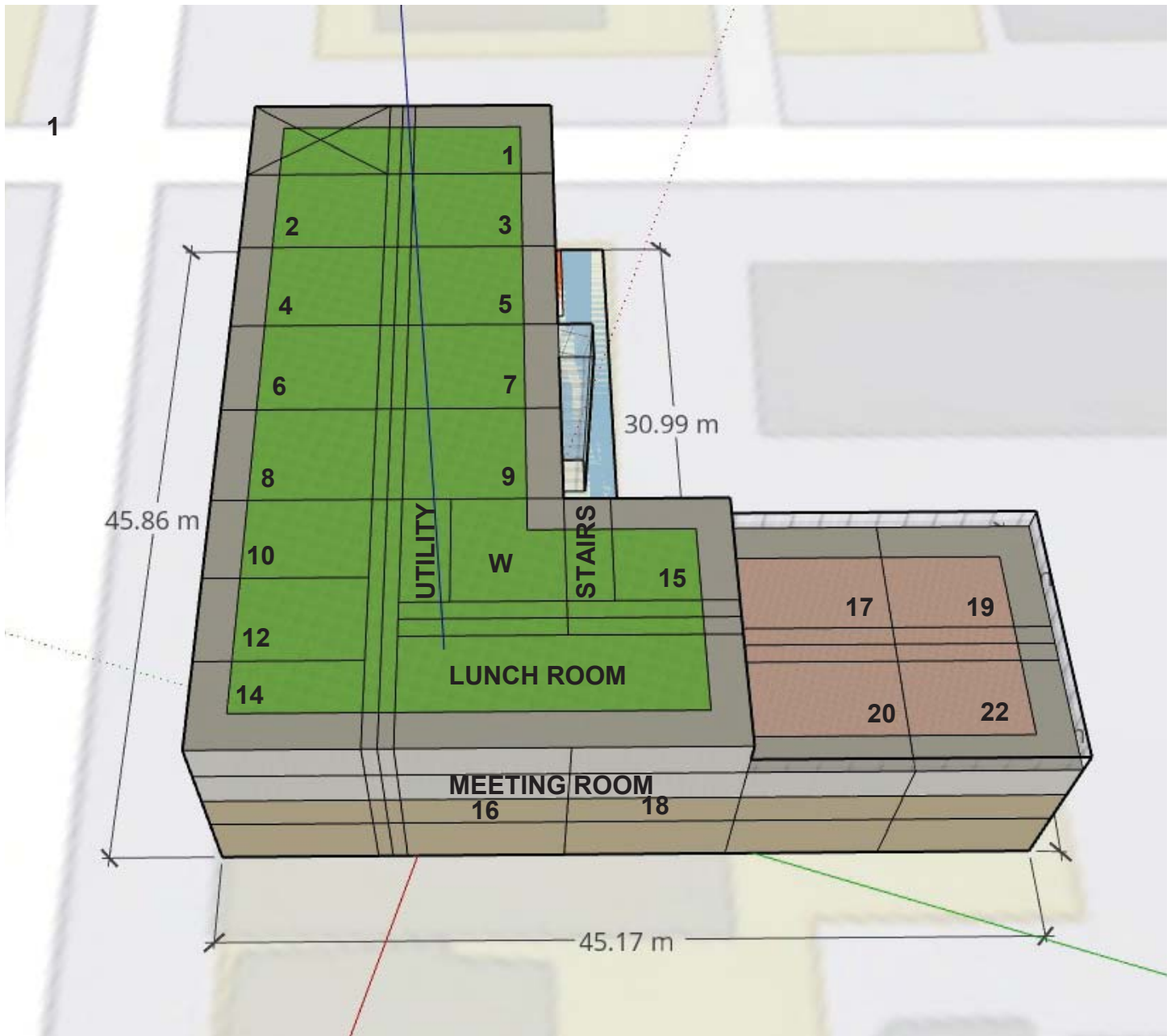
Peggy Moulder
Director
Lakeshore Planning Council Corp.

Attachment: 2-page configuration for and office building at 2950-2970 LSBW



2950 & 2970
Lake Shore Blvd. West
NEW OFFICE BUILDING





Information re above configuration

Nbr Offices (1st, 2nd=19, 3rd=17, 4th=13)	68
Average office size (SF):	557.32
Total square feet:	37,897.58
Average nbr jobs/employees per office:	2.78
Total nbr of jobs/employees:	189
Square feet per job/employee	200.52
Rent per square foot:	\$3.00
Average rent per office per month:	\$1,671.95
Average rent per office per year:	\$20,063.40
Total rent per year:	<u>\$1,364,311.20</u>

Facilities

Kitchen/Lunchroom on top floor: 1,216 SF
 Outdoor patio on top floor: 2,684 SF
 Meeting Room on 3rd floor: 1,216 SF
 Men's & Ladies Washrooms on each floor
 Elevator to each floor
 8 parking spaces & public parking nearby