

2189 Lake Shore Boulevard West – Zoning By-law and Official Plan Amendment Applications – Request for Directions

Date: January 26, 2023

To: City Council

From: City Solicitor

Wards: Ward 3 – Etobicoke Lakeshore

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations. This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

The applicant appealed its Zoning By-law amendment application and Official Plan amendment application to the Ontario Land Tribunal (the "Tribunal") on April 7, 2022.

The City Solicitor reported to the July 19-22, 2022 Council meeting to request instructions regarding the appeal. Council directed the City Solicitor to oppose the appeal.

The Tribunal held its first case management conference in this matter on July 19, 2022 and issued a Procedural Order on October 17, 2022. A hearing is scheduled to commence on May 23, 2023.

On January 20, 2023, the applicant provided the City with a revised application package, attached to this report as Public Attachment 1, and as detailed below, on a "with prejudice" basis.

Further direction from City Council is required on this matter.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1 to this Report from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1 to this Report from the City Solicitor only at the discretion of the City Solicitor.
3. City Council direct that all other information contained in Confidential Attachment 1 to this Report from the City Solicitor is to remain confidential at the discretion of the City Solicitor as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

Adopting this Report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

A Report for Action from the City Solicitor dated July 8, 2022 was considered by City Council at its meeting of July 19-22, 2022. City Council's decision can be found at the following link:

[Agenda Item History - 2022.CC47.17 \(toronto.ca\)](#)

A Preliminary Report from the Director, Community Planning, Etobicoke District, dated March 28, 2022 was considered by Etobicoke-York Community Council on April 19, 2022. Community Council's decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.EY31.2>

COMMENTS

On January 20, 2023, the applicant provided the City with a revised application package as detailed, below, on a "with prejudice" basis. The following chart summarizes the changes shown in the Revised Application.

	Original Proposal (2021)	Revised Proposal (January 2023)
Site Area	2735.7 square metres	2735.7 square metres
Total Gross Floor Area Residential Gross Floor Area Non-Residential Gross Floor Area	44,915 square metres 44,260 square metres 655 square metres	45,700 square metres 45,063 square metres 637 square metres
FSI	16.4	16.7
Podium Height Storeys Metres	3 17 metres	2 11.8 metres
Tower Height Storeys Metres (without Mechanical Penthouse)	59 188.68 metres	60 188.68 metres
Mechanical Penthouse (above tower height)	7 metres	9 metres
Setbacks (Base Building) Lake Shore Blvd West Marine Parade	1 metre 1 metre	2.93 to 3 metres 2 metres
Setbacks (Tower) Lake Shore Blvd West Marine Parade North Property Line	7.93 to 9.3 metres 8 metres 20.6 metres	7.93 to 9.29 metres 8 metres 21.11 metres
Separation Distance New Building to neighbouring tower	11.12 metres (Base Building) 25+ metres (Tower)	11.12 metres (Base Building) 25+ metres (Tower)
Floorplate Size of Tower	(floors 12 – 59) 795.4 square metres	(floors 12 - 60) 795.4 square metres
Residential Units New Total New 2-Bedrooms New 3-Bedrooms	650 190 (29.2 percent) 68 (10.5 percent)	759 153 (20.2 percent) 75 (9.8 percent)
Amenity Space Indoor Outdoor	1,729 square metres 877 square metres	1,518 square metres 1,519 square metres

	Original Proposal (2021)	Revised Proposal (January 2023)
Vehicular Parking (total site)	230	197
Resident Parking	158	152
Retail Visitor Parking	67	40
Car Share Spaces	5	5
Bicycle Parking (total site)	652	569
Long-term	586	516
Short-term/visitor	66	53
Loading Spaces	1 Type "G" 1 Type "B"	1 Type "G" 1 Type "B"

The original application proposed a 1-metre setback from Lake Shore Boulevard West. The Revised Proposal now provides a 3-metre setback from Lake Shore Boulevard West. Similarly, the setback from Marine Parade Drive was 1 metre in the original application and the Revised Proposal provides for a 2-metre setback. The Revised Proposal also provides a setback corner and lower podium height.

The height in the original application was 59 storeys at 188.7 metres with a 7-metre mechanical penthouse above. The Revised Proposal's drawings show 60 storeys within the same 188.7 metre height, with a sloped 9-metre mechanical penthouse above. The tower floorplate area remains unchanged at 795.4 square metres. The density of the proposal has increased to 16.7.

A revised wind study remains outstanding.

With the Revised Proposal, the percentage of three-bedroom units has now dropped below the minimum of 10 percent recommended by the Growing Up Guidelines. Although there was also a drop in the percentage of two-bedroom units, the proposed proportion of two-bedroom units still meets the recommended minimum range of the Growing Up Guidelines.

Indoor and outdoor amenity space is now provided equally at 2 square metres per unit.

Many of Transportation Services' comment remain unaddressed. Additionally, a revised transportation impact study should be submitted.

Sewer capacity is identified as an issue that is proposed to be addressed through an "H" holding symbol. Further details are required relating to the conditions required to be met prior to lifting the "H" are required.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Public Attachment 1 – Letter from Bousfields Inc., dated January 20, 2023
2. Confidential Attachment 1 – Confidential Information from the City Solicitor