

2405-2411 and 2417 Lake Shore Boulevard West – Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications – Appeal Report

Date: August 30, 2023

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 3 - Etobicoke Lakeshore

Planning Application Number: 21 235704 WET 03 OZ

Related Application Number: 21 236099 WET 03 SB and 21 246210 WET 03 RH

SUMMARY

On July 25, 2022, an Official Plan Amendment, a Zoning By-law Amendment and Draft Plan of Subdivision applications were deemed complete for a proposed mixed-use development including a 10-storey mid-rise building, an eight-storey base building including a mezzanine floor and a 33-storey tower at 2405-2411 and 2417 Lake Shore Boulevard West. The proposal has a total gross floor area of approximately 32,792 square metres, including approximately 345.5 square metres of retail space on the ground floor, and a total of 471 residential apartment units (including 22 rental replacement units) in various unit sizes. A Rental Housing Demolition Application was also submitted to demolish 22 rental units.

On February 13, 2023, the applicant appealed the applications to the Ontario Land Tribunal (OLT) citing City Council's failure to make a decisions on the applications within the time period prescribed under the *Planning Act*. A Case Management Conference was held on July 13, 2023 (OLT Case No. OLT-23-000129 and OLT-23-000130). The OLT hearing date is scheduled for July 8 to July 19, 2024.

This report recommends that Council directs the City Solicitor, together with appropriate City staff, attend the OLT hearing to oppose the proposal in its current form and continue discussions with the applicant to resolve outstanding issues.

RECOMMENDATIONS

The Director, Community Planning, Etobicoke York District recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal to oppose the current applications regarding the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision appeals for 2405-2411 and 2417 Lake Shore Boulevard West, and to continue discussions with the applicant in an attempt to resolve outstanding issues.
2. In the event that the Ontario Land Tribunal allows the appeals, in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Order(s) be withheld until such time as the City Solicitor advises that:
 - a. The form and content of the Official Plan and Zoning By-law Amendments and conditions of Draft Plan of Subdivision approval are satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - b. The owner has addressed all outstanding issues identified within the Engineering and Construction Services correspondence, dated March 21, 2022 or as revised, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - c. The owner has submitted a revised Functional Servicing and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and such report shall determine the stormwater run-off, sanitary flow and water supply demand resulting from the development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development and/or any upgrades that may be required;
 - d. The owner makes satisfactory arrangements with Engineering and Construction Services and enters into the appropriate 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 support this development, according to the Functional Servicing Report accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;
 - e. The owner has provided a revised Pedestrian Wind Study, such report to be reviewed with recommendations implemented as part of the amending Official Plan policies and Zoning By-laws and/or secured in a development agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - f. The owner has submitted a revised Community Energy Plan to the satisfaction of the Environment and Energy Division;
 - g. The owner has submitted a Noise Study required by Metrolinx, to the satisfaction of the Chief Planner and Executive Director, City Planning and the Manager, Technical Review, Metrolinx;

- h. The owner has submitted a revised Transportation Impact Study including all requested revisions to the satisfaction of the General Manager, Transportation Services;
- i. The owner has submitted a revised Housing Issue Report including all requested revisions noted in correspondence, dated March 21, 2022, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- j. The owner has addressed all outstanding issues raised by Urban Forestry noted in correspondence, dated March 21, 2022, including the need for an updated Arborist Report, Landscape Plan, Planting Plan and Soil Volume Plan, to the satisfaction of the General Manager of Parks, Forestry and Recreation;
- k. The owner has made revisions to meet the Toronto Green Standard requirements to the satisfaction of the Chief Planner and Executive Director, City Planning;
- l. The owner has secured replacement of the existing rental dwelling units, including the same number of rental units, bedroom type and size and with similar rents, and replacement of the gross floor area of the existing dwelling rooms as dwelling rooms or studio units at similar rents;
- m. the owner has secured an acceptable Tenant Relocation and Assistance Plan addressing the right for tenants to return to a replacement rental unit or dwelling room, as applicable, on the lands at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- n. City Council has approved the Rental Housing Demolition application (21 246210 WET 03 RH) under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006, which allows for the demolition of the existing rental units on the site, and the owner has entered into, and registered on title to the lands, one or more agreements with the City, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, securing all rental housing-related matters necessary to implement City Council's decision.

3. Should it be determined that upgrades are required to the infrastructure to support the development according to the accepted Functional Servicing Report and/or the Transportation Impact Study, City Council direct the City Solicitor and appropriate City staff to request that a Holding Provision be included in the final form of the site-specific Zoning By-law Amendment and the Holding Provision not to be lifted until such a time as the owner has made satisfactory arrangements, including entering into appropriate agreement(s) with the City for the design and construction of any improvements to the municipal infrastructure and the provision of financial securities to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services and General Manager, Transportation Services.

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.

DECISION HISTORY

On July 16-19, 2013, City Council adopted the Mimico-by-the-Lake Secondary Plan (OPA 197 (By-law No. 1103-2013)) designating the site within Precinct C-Village Heart of the Secondary Plan.

The Secondary Plan was modified as a result of appeals and subsequent Orders of the Ontario Municipal Board and Local Planning Appeal Tribunal as follows:

- Phase I - Ontario Municipal Board Order dated March 31, 2015 (PL130885 General Appeals);
- Phase II - Local Planning Appeal Tribunal Order dated February 8, 2019 (PL130885 Remaining General Appeals and Site Specific Appeal 2313 and 2323 Lake Shore Boulevard West); and
- Phase III - Local Planning Appeal Tribunal Order dated August 20, 2019 (PL130885 Site Specific Appeal 2491 Lake Shore Boulevard West).

On December 5, 2019, a pre-application consultation meeting was held with the applicant to discuss complete application submission requirements.

THE SITE

Description

The site is relatively flat located at the east of Lake Shore Boulevard West and north of Amos Waites Park and includes properties municipally known as 2405-2411 Lake Shore Boulevard West and 2417 Lake Shore Boulevard West. The site is irregular in shape and has an area of 4978 square metres, with a frontage of 45.7 metres on Lake Shore Boulevard West. Given the irregular shape and angled rear of the site, it has a varying depth ranging from 60.96 metres to 141.71 metres. (see Attachment 1: Location Map).

The applications also rely on a future public street that includes lands adjoining the site that are not part of the development ownership, including 2413-2415 Lake Shore Boulevard West and City-owned Amos Waites Park, to provide a 5.5-metre conveyance.

Surrounding Uses

The development application site contains four parcels and five existing buildings in the ownership of the applicant:

- 2405 Lake Shore Boulevard West, occupied by a four-storey building;
- 2407 Lake Shore Boulevard West, occupied by a three-storey walk-up apartment building containing 22 rental apartment units;

- 2409-2411 Lake Shore Boulevard West is occupied by a two-storey walk-up building; and
- 2417 Lake Shore Boulevard West, occupied by a two-storey detached house.

The development application also includes sites not owned by the applicant as follows:

- 2413-2415 Lake Shore Boulevard West is the site of existing building of Birds & Beans Cafe; and
- 2413R Lake Shore Boulevard West, a titled lot that is a part of Amos Waites Park.

THE APPLICATION

Proposed Use

The applications propose to permit a mixed-use 10-storey mid-rise building, an eight-storey base building including a mezzanine floor and a 33-storey residential tower with approximately 345.5 square metres of retail space on the ground floor.

The proposed redevelopment anticipates the use of 2413-2415 and 2413R Lake Shore Boulevard West, a strip of Amos Waites Park, and a six-metre strip of 2411 Lake Shore Boulevard West to provide a future public street.

Heights

The proposed 10-storey mid-rise building is 34.6 metres high; the proposed eight-storey base building is 25 metres high and the proposed 33-storey tower is 103.6 metres high.

Density (Floor Space Index)

The development would have overall Floor Space Index (FSI) of 6.59.

Unit Breakdown

The proposed 471 dwelling units includes 22 rental replacement units (11 studio and 11 one-bedroom units). The net new residential units comprised of 247 one-bedroom (55%); 155 two-bedroom (34.5%); and 47 three-bedroom (10.4%) units.

Access, Parking, and Loading

Access to the site would be from a six-metre interim proposed public street, which would connect to Lake Shore Boulevard West. This right-of-way is proposed to be widened to 11.5 metres and absorb most of 2413-2415 and 2413R Lake Shore Boulevard West and a strip of Amos Waites Park.

A three-level underground parking garage containing 259 vehicle parking spaces (235 residential and 24 visitor/commercial) is proposed.

A total of 472 bicycle parking spaces are proposed.

One Type C and one Type G loading spaces are proposed.

Public Parkland

The proposal includes a 370 square metre proposed parkland dedication adjoining the existing Amos Waites Park.

Amenity Space

A total of 945.5 square metres (approximately two square metres per unit) of outdoor and 999.4 square metres (approximately two square metres per unit) of indoor amenity spaces are proposed.

Additional Information

See Attachments 1-6 of this report for a Location Map, Application Data Sheet, Site Plan, an Elevation and two three-dimensional representations of the project in context. The Application Data Sheet contains additional details on the proposal including site area and dimensions; floor area; unit breakdowns; and parking counts.

Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre [here](#) .

Reasons for Application

The Official Plan Amendment application proposes to redesignate part of the site from *Apartment Neighbourhoods* to *Mixed Use Areas*.

The Zoning By-law Amendment application proposes to amend Zoning By-law 569-2013 to vary performance standards including building height; building setbacks; floor space index; amenity space and parking space requirements.

The Draft Plan of Subdivision application proposes one block for the proposed development, one block for the proposed parkland dedication, and three blocks for the proposed public street.

Site Plan Control

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

Rental Housing Demolition and Conversion By-law

A Rental Housing Demolition application (File No. 21 246210 WET 03 RH)) was submitted to replace 22 existing rental units of mixes of unit sizes.

POLICY CONSIDERATIONS

Provincial Land-use Policies

All decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (PPS) and shall conform to provincial plans.

Official Plan

The site is designated *Mixed Use Areas* and *Apartment Neighbourhoods*, on Map 15 - Land Use Plan of the Official Plan. Lake Shore Boulevard West is identified as an *Avenue* on Map 2 - Urban Structure and also defined as a *Major Street* with a planned right-of-way width of 27 metres on Map 3 - Right of Way Widths Associated with Major Streets. Toronto Official Plan policies may be found [here](#).

The site is also within the Mimico-by-the-Lake Secondary Plan. The Secondary Plan identifies a new 16.5-metre-wide local public street running east-west connecting Lake Shore Boulevard West to Superior Avenue to be provided through a portion of the subject site. A mid-block new local public street connecting this new east-west public street to Superior Avenue is also to be identified in the Secondary Plan through the mid portion of the site.

The site is within Precinct C of the Secondary Plan, the Village Heart, intended to support a broad mix of uses, an enhanced public realm and an extension of Superior Avenue to achieve public access and better views to Lake Ontario. Community and commercial uses are required as part of new development. Precinct C is divided into three areas: Area A would permit a maximum height of 21.5 metres or six storeys for mid-rise buildings along the Lake Shore Boulevard West frontage stepping back to a maximum 27 metres or eight storeys; Area B would be set back 40 metres from Lake Shore Boulevard West and set back 40 metres from the lakefront planned public street and would permit a maximum building height of 76.5 metres or 25 storeys for tall buildings; and Area C would be within the first 40 metres from the lakefront planned public street and would permit up to a maximum building height of 46.5 metres or 15 storeys.

The portion of the site fronting onto Lake Shore Boulevard West is within the Enhanced Pedestrian Area which is required to be the focus area for an enhanced treatment of the public realm that exceeds the minimum requirement of the City's Streetscape Manual.

All development proposals within Precinct C are required to submit detailed Precinct Plans in accordance with policies of the Secondary Plan.

See Attachment 7 and 8 of this report for Secondary Plan Area (Map 33-6) and Official Plan Land Use Map.

Zoning

The site is zoned Commercial Residential (CR) for the western portion and Residential Apartment (RA) for the eastern portion under city-wide Zoning By-law 569-2013. Permitted uses in the CR zone include offices, personal service shops, retail stores, eating establishments, dwelling units in an apartment building and a mixed-use building,

residential care homes and retirement homes. The maximum permitted height in the CR zone is 14 metres and the maximum floor space index is three times the area of the lot, including a commercial floor space index of one times the area of the lot and a residential floor space index of 2.5 times the area of the lot. The Zoning By-law Amendment application proposes to rezone the rear portion of the subject site from RA to CR.

Under the Etobicoke Zoning Code, the site is zoned Commercial (C) at the western portion, which permits business, professional and government offices, places of worship, dwelling units over a commercial use, hotels and motels, libraries, medical centres, public and private schools, restaurants, retail stores and supermarkets, and it is zoned Fourth Density Residential (R4) at the eastern portion, which permits single family dwellings, semi-detached dwellings, duplexes, triplexes, home occupations, apartment, apartment hotels, medical centres and private home daycare.

See Attachment 9 of this report for Zoning Map.

Design Guidelines

The following design guidelines are relevant in the consideration of the proposal:

- Mimico 20/20 Urban Design Guidelines;
- Tall Building Design Guidelines;
- Mid-Rise Building Performance Standards and Addendum;
- Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines; and
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings.

Design guidelines can be found [here](#).

Toronto Green Standard

The Toronto Green Standard (TGS) is a set of performance measures for green development. Applications for Zoning By-law Amendments 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. The TGS can be found [here](#).

COMMUNITY CONSULTATION

A Community Consultation Meeting had not yet been scheduled when this application was appealed. Although requested by the City at the time the application was deemed complete, a development sign was never posted on the site to notify the community that an application has been made to the City. Limited community feedback has been received through email correspondence identifying the following concerns:

- the appropriateness of a 33-storey tall building on the eastern portion of the site;
- the overall fit of the proposed development within its existing context;
- the appropriateness of the configuration and design of the proposed road going through the park; and

- privacy, overlook, and access to sunlight for adjacent neighbouring properties.

Staff suggest a community information meeting be held to obtain community feedback on the proposal.

COMMENTS

Provincial Framework

The proposal has been reviewed against the *Planning Act*, Provincial Policy Statement (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (Growth Plan).

The application in its current form does not have regard for matters of provincial interest relating to the orderly development of safe and healthy communities, the appropriate location of growth and development and the promotion of built form that is well designed, encourages a sense of place, and provides for public spaces that are high quality safe, accessible, attractive and vibrant. The application in its current form is inconsistent with the PPS (2020) and does not conform to the Growth Plan (2020) on achieving policy objectives of orderly development of land, complete communities, appropriate development standards, appropriate infrastructure to support growth and a safe and vibrant public realm.

Land Use

The proposed land use of *Mixed Use* generally conforms with the land use objectives of the Official Plan and the Mimico-by-the-Lake Secondary Plan for the mix of commercial and residential development; however, the proposal does not conform to other policies of the Official Plan and Secondary Plan as noted below.

Precinct Plan

The Secondary Plan requires a Precinct Plan be submitted as part of any development application within Precinct C. A Precinct Plan is required to assist in the evaluation of the conformity of the proposed development with the relevant provisions of this Secondary Plan. The submitted Precinct Plan does not meet the Precinct Plan criteria noted in policy 3.2 of the Secondary Plan.

Built Form

Both *Mixed Use Areas* and *Apartment Neighbourhoods* designations contemplate residential development; however, the proposed built form does not conform with the built form policies of the Mimico-by-the-Lake Secondary Plan and the Official Plan. The Mimico-by-the-Lake Secondary Plan and implementing design guidelines require increased building setbacks and tower separation to adjacent lands, appropriate setbacks, and lower building heights. In addition, transition is also required from the Lake Shore Boulevard West frontage and the surrounding public realm, particularly with respect to the proposed mid-rise building, tower and base building.

Development Blocks

The consolidation of properties is expected within the Secondary Plan area and is envisioned to provide the opportunity for the planned new street network and a more functional urban block pattern. The Secondary Plan and implementing Mimico 20/20 Urban Design Guidelines set out the size, shape, proportion and preferred configuration of the development blocks. The consolidation of properties in the proposed development does not align with the streets and blocks pattern of the plan and guidelines and does not achieve appropriately sized development blocks to develop tall buildings to meet the requirements of the Secondary Plan. For tall building development, a minimum 50-metre lot width and 50-metre lot depth with frontage on at least one public street is required. The current proposal lot width ranges from 30.6 to 45.7 metres and does not achieve an appropriate size required for tall buildings.

Height and Massing

The current proposal exceeds the planned heights within the Secondary Plan and includes a 10-storey building located within the Area A, which is planned for six to eight storeys; includes a 33-storey building partially located within the Area B, which is planned for 16 to 25 storeys and partially located within the Area C which is planned for 10 to 15 storeys. The proposed mid-rise building exceeds the maximum pedestrian perception streetwall height of six storeys (21.5 metres) as required for the planned mid-rise context along Lake Shore Boulevard West and does not provide sufficient side stepbacks from the shared property lines above the proposed party wall. The proposed tall building exceeds the maximum base building height of four storeys (14 metres), as required by the Secondary Plan. Furthermore, tower stepbacks from the base building are insufficient and do not meet the standards set out in the Secondary Plan and design guidelines. Overall, the proposed building heights and massing do not conform to the Secondary Plan and do not meet the performance standards of the applicable design guidelines.

Building Address and Entrance

The main residential building entrances and tower frontage must be provided off a functional public street built to City standards as required by the Secondary Plan. The proposed public street condition does not include adequate public sidewalks and accessibility from the municipal right-of-way and poses pedestrian safety concerns for the future residents accessing the development.

Separation Distances

The proposed 33-storey tall building does not provide a 12.5-metre separation distance between the proposed tower portion of the building and adjacent property line to the north. The proposal needs to demonstrate appropriate separation distances and built form relationships to neighbouring properties and the public realm to not negatively impact the existing and planned context and future development potential of the precinct.

New Public Street

The Secondary Plan identifies the need for a new 16.5-metre east-west public street and the need for a new mid-block public street connecting this new public street to Superior Avenue through a portion of the site.

Secondary Plan policy 4.4.11 states that development applications will not be approved until appropriate arrangements are in place for securing the necessary lands to accommodate the transportation facilities required for the development. All new functional streets are required to:

- a) meet the City's Development Infrastructure Policy and Standards (DIPS) for public local streets or be otherwise acceptable to the City;
- b) provide public road frontage and address to all buildings to, in part, avoid development patterns that are based on a building-behind-a-building; and
- c) connect to an existing public street network.

Further, Secondary Plan policy 4.4.12 states that a development application may propose an interim new functional street connection that is built to City approved standards, provided that it directly connects with the existing area public street network, and where possible, should align with existing streets. Under interim conditions, temporary transportation facilities built to City standards, such as cul-de-sacs may need to be provided until build-out of the full street network. Policy 4.9.3 of the Secondary Plan requires public streets and municipal servicing to be constructed to City standards and conveyed to the City free of encumbrances as a condition of development approval.

The application proposes an 11.5-metre new east-west public street to be located towards the southern edge of the property with a six-metre portion to be provided on-site and a 5.5-metre portion to be provided by adjoining properties including 2413-2415 Lake Shore Boulevard West and 2413R Lake Shore Boulevard West which is part of the existing Amos Waites Park. This proposed new public street is deficient in meeting the Secondary Plan requirements for a 16.5-metre new public street. Further, the applicant's proposal would necessitate the demolition of the Birds and Bean Café located at 2413-2415 Lake Shore Boulevard West and the removal of existing park infrastructure and mature trees within the City's Amos Waites Park in order to provide the new public street. At the time of writing this report, staff were not advised whether 2413-2415 Lake Shore Boulevard West had been acquired by the applicant. This proposal would render 2413-2415 Lake Shore Boulevard West undevelopable due to the requirement for the public street. Further, the proposal would require the removal of a 10.5-metre strip of parkland and mature City trees which also contravenes Official Plan policies.

The new public street alignment should be sited and conveyed within the proposal area meeting the intent of the Secondary Plan, and satisfy any other Transportation Services and Transportation Planning requirements and comments. The new public street must demonstrate an adequate configuration and connect and extend the future proposed network as indicated by the Secondary Plan requirements for Primary Local Streets. Additional details are required for a functional interim condition until the connections to Superior Avenue are achieved, including a minimum four-metre boulevard with a 2.1-metre sidewalk and two-metre planting and furnishing zone and an interim cul-de-sac, all of which would be required to be installed and delivered as part of this application.

The application does not provide the identified mid-block and end connecting street between the new east-west public street and Superior Avenue required by the Secondary Plan. An alternative alignment for the new public street with a direct connection through the subject site to Lake Shore Boulevard West and a mid-block

connection to Superior Avenue as per the Secondary Plan is required and the applicant is encouraged to pursue an easement with the adjacent parcels of 2399, 2401 and 2403 Lake Shore Boulevard West and 4 Superior Avenue to provide vehicular access to the proposed site from Superior Avenue as part of the interim condition.

Staff do not agree with the proposed new public street alignment. The applicant has not made necessary arrangements to secure the lands needed to accommodate the transportation facilities as required by the Secondary Plan; the proposed new public street and proposed interim condition do not meet the functional street requirements of the Secondary Plan.

Sun, Shadow and Wind

The proposed building heights and massing result in shadow impacts along Lake Shore Boulevard West and Superior Avenue, as well as neighbouring properties and surrounding open spaces within the site and precinct. Building heights and massing that is revised to conform with the Secondary Plan would reduce shadowing and promote a more comfortable pedestrian environment, particularly between the spring and fall equinoxes (March 21 and September 21) when access to direct sunlight can greatly enhance pedestrian use and enjoyment of shared open spaces and the public realm.

The Pedestrian Wind Study, prepared by RWDI Inc. on September 16, 2021, predicts several uncomfortable wind conditions at different locations and recommends possible wind control measures. The proposal, including any revisions, requires an updated Pedestrian Wind Study, including a wind tunnel test, to demonstrate the resulting wind impacts, and to specify the required mitigations and wind control measures.

Amenity Areas

The proposed indoor/outdoor amenity spaces would be organized across the ground floor and connected through an outdoor ramp to the second-floor rooftop. However, further consideration must be given to the provision of adequate sun access, year-round use and adequate soil volume delivery for the proposed softscape. The proposed amenity areas must also demonstrate programming space for children and pets.

Rental Housing Demolition and Replacement

This application involves the demolition of rental housing. Official Plan Policy 3.2.1.6 requires new development that would result in the loss of six or more rental dwelling units to replace at least the same number, size, and type of rental units at similar rents to those in effect at the time of application. The policy also requires the applicant to provide an acceptable tenant relocation and assistance plan, addressing the right of existing tenants to return to the replacement units at similar rents and other assistance to lessen hardship.

The proposed site is currently occupied by a four-storey medical building (2405 Lake Shore Boulevard West), a three-storey rental apartment building (2407 Lake Shore Boulevard West), a two-storey residential fourplex (2409-2411 Lake Shore Boulevard West), and a two-storey detached house (2417 Lake Shore Boulevard West).

According to the applicant's Housing Issues Report, the three-storey rental apartment building at 2407 Lake Shore Boulevard West contains 22 rental dwelling units. However, the two-storey residential building/fourplex at 2409-2411 Lake Shore Boulevard West contains an additional four self-contained dwelling units, all of which are currently unoccupied. City records indicate that all four units were occupied by tenants before becoming vacant. As the applicant has proposed to replace 22 of the 26 existing rental dwelling units that would be demolished, the applications, in their current form, do not meet the requirements of Policy 3.2.1.6 of the Official Plan.

Official Plan Policy 3.2.1.11 requires new development that would result in the loss of six or more dwelling rooms to replace at least the same amount of residential gross floor area as replacement dwelling rooms or studio rental units at similar rents to those in effect at the time of application for a period of at least 15 years. The policy also requires the applicant to provide an acceptable tenant relocation and assistance plan, addressing the right of existing tenants to return to the replacement dwelling rooms or rental units at similar rents and other assistance to lessen hardship. The two-storey single detached house at 2417 Lake Shore Boulevard West was formerly a multi-tenant (rooming) house that operated under the name of Lakeview Lodge. City records indicate that the multi-tenant house contains eight dwelling rooms with approximately 240 square metres of gross floor area, all of which were rented out to tenants before the house was sold to its current owner. As the applicant has not proposed to replace the existing dwelling rooms that would be demolished, the application in its current form, does not meet the requirements of Policy 3.2.1.11 of the Official Plan.

The subdivision application proposes the inclusion of 2413-2415 Lake Shore Boulevard West as part of this application as a potential future land acquisition. Should 2413-2415 Lake Shore Boulevard West become a part of the application, the applicant would need to submit and updated Housing Issues Report providing details of existing rental dwelling units or dwelling rooms, including a rent analysis, and as-built floor plans.

The applicant needs to submit a revised rental replacement strategy to ensure all 26 existing rental dwelling units are replaced by the same bedroom type and size and with similar rents and the existing dwelling rooms are replaced in the new development as either dwelling rooms or studio units. Other matters to be resolved include an acceptable tenant relocation and assistance plan for eligible tenants, including compensation and notice above and beyond the requirements of the Residential Tenancies Act.

Should the OLT allow the appeals, in whole or in part, City staff recommend that the City Solicitor request that the OLT withhold its final Order until it has been advised that City Council has approved the Rental Housing Demolition application and secured the replacement rental housing and tenant relocation and assistance plan in a Section 111 agreement. Prior to a decision by Council on the Rental Housing Demolition application, a tenant consultation meeting will be held to review the impact of the proposal on tenants of the residential rental property.

Transportation

Access

The proposed access to the development is from a six-metre-wide portion of the proposed new public street (referred to as a laneway below). As discussed in the New Public Street section of this report, the proposed future public street is not acceptable in terms of the functional street requirements including the location, connectivity and design standards.

The proposed laneway access from Lake Shore Boulevard West does not achieve the functional street requirements of Secondary Plan policy 4.4.12 including:

- it is not designed to City standards;
- it does not provide interim transportation facilities to City standards such as a cul-de-sac;
- The proposed new public street alignment including the laneway access does not achieve an acceptable public street network east of Lake Shore Boulevard West to Lake Ontario;
- The proposed development does not support a mid-block public street loop connecting Lake Shore Boulevard West to Superior Avenue;
- Future plans pertaining to driveway access from the future new public street are not provided;
- An appropriate and designated pick-up and drop-off space within the property limits is not provided.

Parking

City staff identified concerns and needed additional information relating to the accessible parking. These would need to be resolved prior to approval of the Zoning By-law Amendment application.

Loading

The proposal includes one Type C and one Type G loading spaces as required for this proposal. City staff are concerned that proposed Type C space has no dimension and Vehicle Maneuvering Diagram (VMD). Transportation Services staff require revisions to address these concerns.

Other Transportation Issues

Staff identified several required revisions and additional information as follows:

- Conveyance of a public street right-of-way would be required;
- Pavement Markings and Signage Plan is required;
- City requires the submission of an acceptable transportation impact study;
- The proponent would be responsible for undertaking any transportation-related improvements to accommodate the anticipated vehicular trip generation, based upon review of an acceptable transportation impact study;
- City requires an acceptable technical justification for the proposed parking supply; and
- Updated and acceptable vehicle manoeuvring diagrams are required.

Road Widening

A 0.4-metre widening is required along the Lake Shore Boulevard West frontage of the subject property to satisfy the requirement of a 27-metre-wide right-of-way. The applicant has not shown the required road widening on the plans.

Servicing and Stormwater Management

A Functional Servicing and Stormwater Management Report and associated plans prepared by WSP Canada Inc, dated October 18, 2021 and October 1, 2021, respectively, were submitted in support of the proposal. On their correspondence, dated March 21, 2022, Engineering and Construction Services staff have not accepted the findings of these reports, and require that the applicant submit reports that accurately determine the land ownership, stormwater runoff, sanitary flow and water supply demand resulting from this development and determine whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development.

Should the appeal be allowed by the OLT, Engineering and Construction Services recommend a Holding Provision in the final form of the Zoning By-law. The Holding Provision may be lifted at such time that the owner has provided a Functional Servicing Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and has entered into satisfactory arrangements with Engineering and Construction Services for the design and construction of any improvements to the municipal infrastructure.

Draft Plan of Subdivision

The following is a summary of issues related to the Draft Plan of Subdivision application issues:

- The proposed right-of-way that runs through the portion of Amos Waites Park must be removed, as it is not supported by Parks, Forestry and Recreation and is not permitted by the Official Plan;
- Submission of detailed engineering design drawings and detailed cost estimates for a proposed new public street is required to the satisfaction of the Engineering and Construction Services Division;
- Submission of acceptable pavement markings and a signage plan is required that shows the proposed signage and pavement markings for a proposed public street as well as any proposed changes to the existing signage and pavement markings for Lake Shore Boulevard West and other existing roads;
- The application needs to show a 0.4-metre right-of-way widening that is required along the Lake Shore Boulevard West frontage of the subject property in order to satisfy the Official Plan requirement of a 27-metre right-of-way for this section of Lake Shore Boulevard West;
- The application needs to be updated to show a complete road configuration and geometrical characteristics for a public street that would be acceptable to the City; and
- Submission of a future concept plan and related cross sections of a proposed road is required.

Toronto Transit Commission (TTC)

In the correspondence dated March 3, 2022, TTC has advised that the developer would be required to apply attenuation measures so that the levels of noise, vibration, electromagnetic interference (EMI), and stray currents in the proposed development would be at the lowest levels technically feasible. TTC also recommended the inclusion of noise, vibration, EMI and stray current warning clauses in purchase and sale agreements and/or leases and that TTC accepts no responsibility for such effects

Metrolinx

The proposed site is located south of Metrolinx's GO Corridor, Oakville Subdivision, Lakeshore West line and is within 1000 metres to the Willowbrook Rail Maintenance Facility. In the correspondence dated July 7, 2023, Metrolinx asked for a Noise Study, to be prepared by a qualified consultant, to be reviewed by Metrolinx. Metrolinx also recommended the inclusion of warning clauses in purchase and sale or lease agreements for each dwelling unit within 1000 metres of the Willowbrook Rail Maintenance Facility and advised that the owner shall be responsible for all costs for the preparation and registration of agreements, undertakings, easements and warning clauses as determined by Metrolinx to the satisfaction of Metrolinx.

Open Space/Parkland

The applicant proposes a 370 square metre parkland dedication in the southeastern portion of the site adjoining Amos Waites Park. Parks staff do not accept the proposed parkland dedication.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the owner is required to satisfy the parkland dedication through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication while the non-residential component is subject to a 2% parkland dedication.

Tree Preservation

An Arborist Report and Tree Protection Plan, prepared by Urban Forestry Inc., dated September 14, 2021, was submitted in support of the application. The applicant is proposing the removal of 20 protected privately-owned trees and one protected City's street tree. Urban Forestry reviewed the report and requested revisions and additional information.

In their correspondence dated March 21, 2023, Urban Forestry, Tree Protection & Plan Review requires the applicant to meet the TGS planting requirements. Additional information is required by Urban Forestry, including soil specifications for tree planting, a Soil Volume Plan indicating the soil area number, soil depth, soil volume and soil volume per tree, and a Composite Utility Plan indicating all existing and proposed above and below ground utility locations along with proposed tree plantings in order to complete their review. The applicant would be further required to replace trees with a different species.

Toronto Green Standard (TGS)

The applicant is required to meet Tier 1 of the TGS- Version 3 and 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. TGS measures such as bicycle parking and soil volume would need to be secured in the Zoning By-law process. Other applicable TGS performance measures would be secured through the Site Plan Control review process, should the application be approved.

Community Energy Plan

The applicant submitted a Community Energy Plan. The report may need to be updated based on changes to the design. The applicant is encouraged to integrate low-carbon energy solutions, explore additional energy conservation measures, back-up power for resilience during grid disruption, make district-energy connection ready, heat recovery from municipal infrastructure and calculate whole-life carbon of the proposed development.

School Boards

The Toronto Catholic District School Board (TCDSB) noted that the proposed development falls within the fixed attendance boundary of St Leo Catholic School, Bishop Allen Academy and Michael Power-St Joseph High School.

The Toronto District School Board (TDSB) noted that the proposed development is in close proximity to David Hornell Junior School, John English Junior Middle School, and Lakeshore Collegiate Institute. If the elementary and secondary schools which serve this area are oversubscribed, students from this development may need to be accommodated in school located outside the area.

Further Issues

City Planning continues to receive additional information regarding these applications as a result of ongoing review by City commenting divisions, materials submitted in support of the proposal and through deputation made by members of the public to Community Council. Staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report.

CONCLUSION

As currently proposed, the application does not have regard for matters of provincial interest, is inconsistent with the PPS (2020), does not conform to the Growth Plan (2020), does not conform to the Official Plan and the Mimico-by-the-Lake Secondary Plan, and does not meet the intent of the applicable design guidelines. The height, scale and massing of the proposal is not in keeping with the planned context, does not enhance the public realm along Lake Shore Boulevard West. The proposed block configuration and alignment of the new public street does not conform to the Secondary Plan and has a negative impact on the public realm and surrounding properties. The proposal does not represent good planning and is not in the public interest in its current form.

This report recommends that the Council direct City Solicitor, along with appropriate staff, to attend the OLT to oppose the application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues.

CONTACT

Prabhat Dahal, MCIP, RPP, Senior Planner, Community Planning
Tel. No.: 416-338-7483
E-mail: prabhat.dahal@toronto.ca

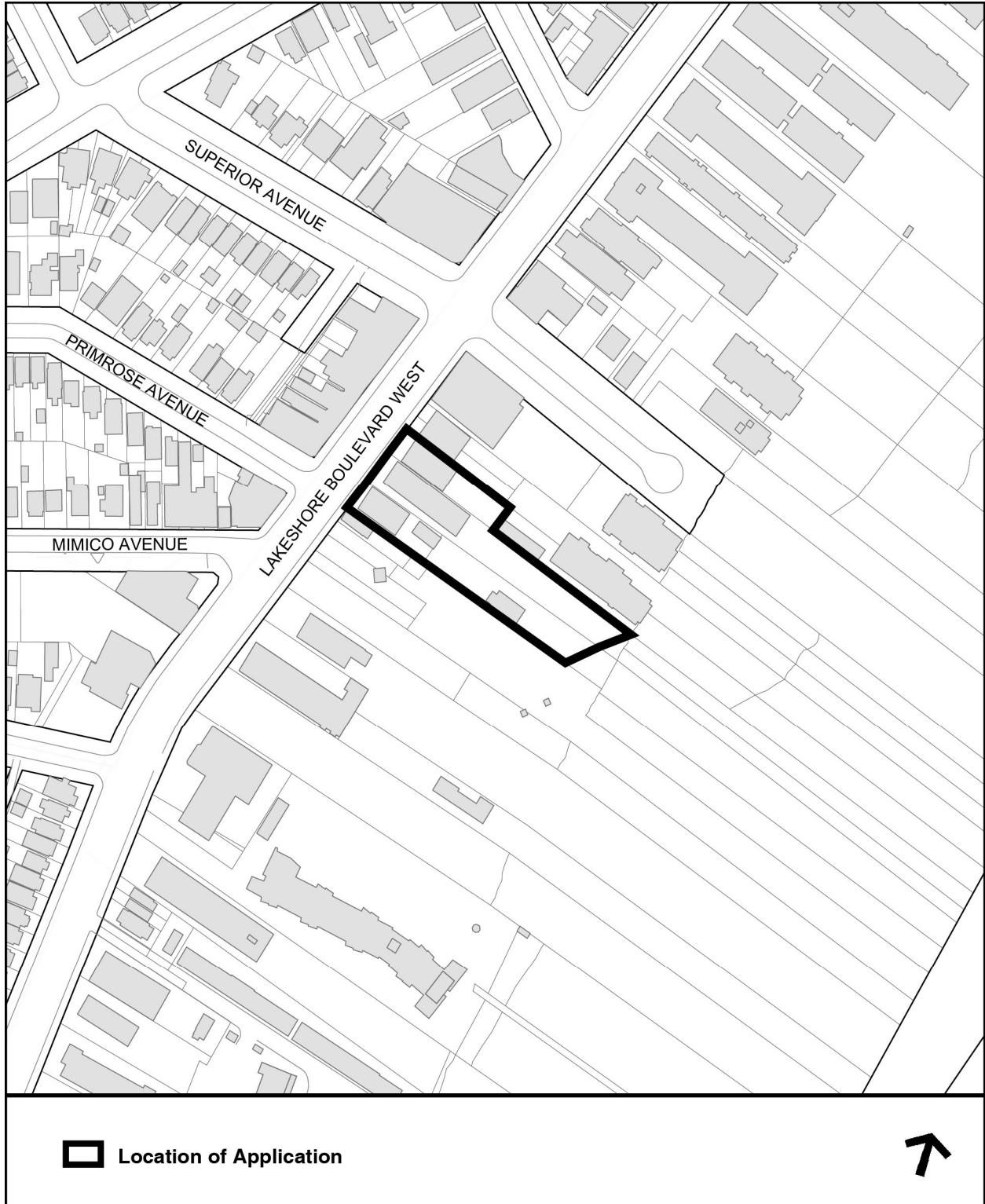
SIGNATURE

Michael Mizzi, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

- Attachment 1: Location Map
- Attachment 2: Application Data Sheet
- Attachment 3: Site Plan
- Attachment 4: South Elevation
- Attachment 5: 3D Model of Proposal in Context Looking towards Northwest
- Attachment 6: 3D Model of Proposal in Context Looking towards Southwest
- Attachment 7: Mimico-by-the-Lake Secondary Plan - Map 33.6
- Attachment 8: Official Plan Land Use Map
- Attachment 9: Existing Zoning By-law Map (569-2013)

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 2405-2411 & 2417 Lake Shore Boulevard West
 Date Received: November 9, 2021
 Application Number: 21 235704 WET 03 OZ
 Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: Proposed amendments to the City's Official Plan and Zoning By-laws to permit a mixed-use 10-storey mid-rise building and a 33-storey tower. The proposed redevelopment provides a total gross floor area of approximately 32,792 square metres, including approximately 345.5 square metres of retail space on the ground floor. A total of 471 residential apartment units are proposed (including 22 rental replacement units) in a mix of unit sizes.

Applicant	Agent	Architect	Owner
Kate Cooper, Unit 200, 3 Church Street, Toronto	N/A	Sweeny&Co Architects, 134 Peter Street, Toronto	2405 Lakeshore Boulevard Inc., 30 Algie Avenue, Toronto

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas, Apartment Neighbourhoods and Parks Commercial Residential CR	Site Specific Provision: N
Zoning:	3.0 (c3.0; r2.2) SS2 (x869), RA (f22.5, d1.5)	Heritage Designation: N
Height Limit (m): 14 metres		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 4,978 Frontage (m): 39 Depth (m): 141.71

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			11,048	11,048
Residential GFA (sq m):	1,073		32,446	32,446

Non-Residential GFA (sq m):		345	345
Total GFA (sq m):	1,073	32,791	32,791
Height - Storeys:	4	33	33
Height - Metres:	13	110	110

Lot Coverage Ratio (%) : 221.94 Floor Space Index: 6.59

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	32,446	
Retail GFA:	345	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	22		22	22
Freehold:				
Condominium:			449	449
Other:				
Total Units:	22		471	471

Total Residential Units by Size

	Rooms	Studio	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	11		258	155	47
Total Units:	11		258	155	47

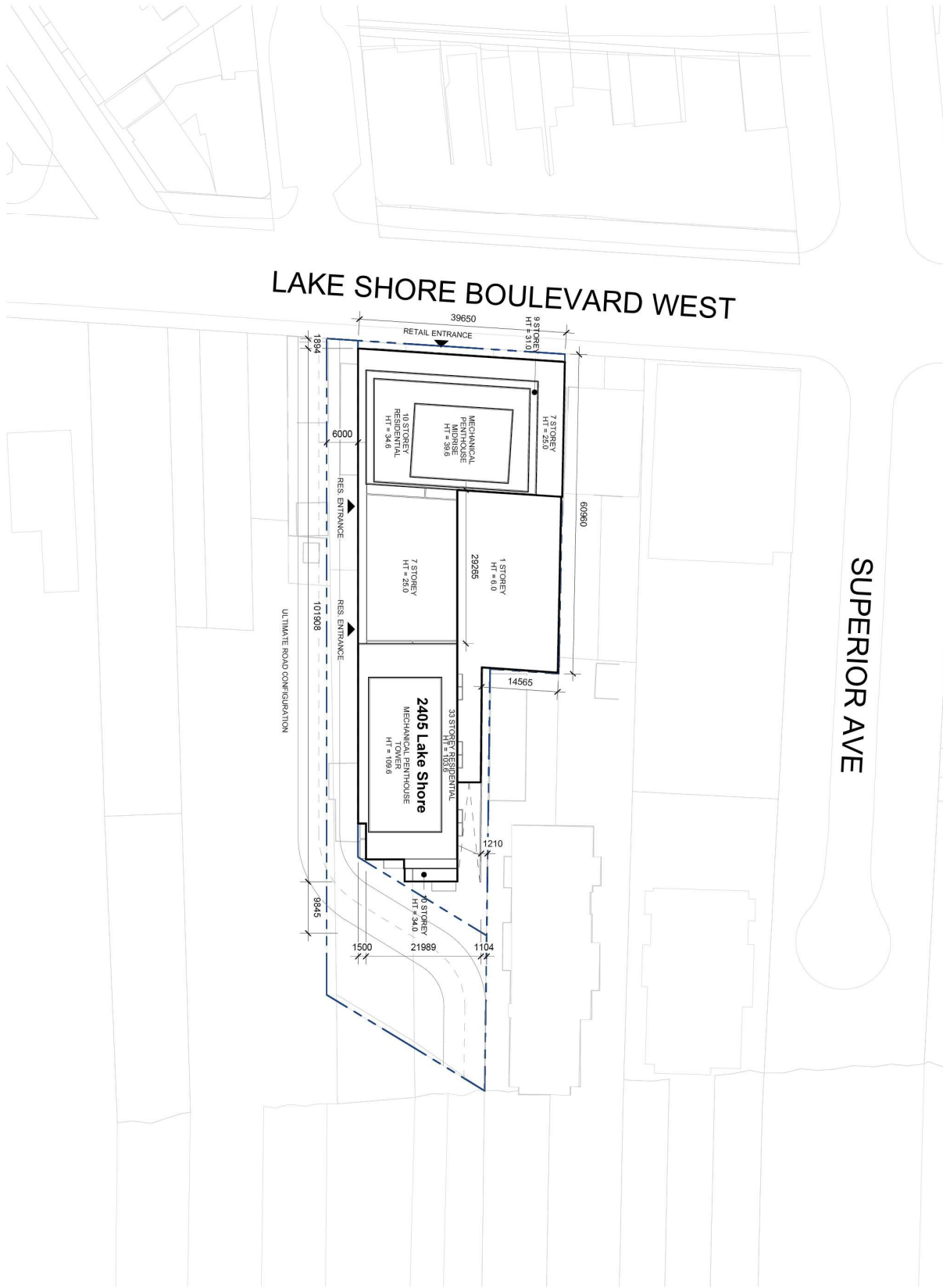
Parking and Loading

Parking Spaces: 259 Bicycle Parking Spaces: 472 Loading Docks: 2

CONTACT:

Prabhat Dahal, Senior Planner
416-338-7483
Prabhat.Dahal@toronto.ca

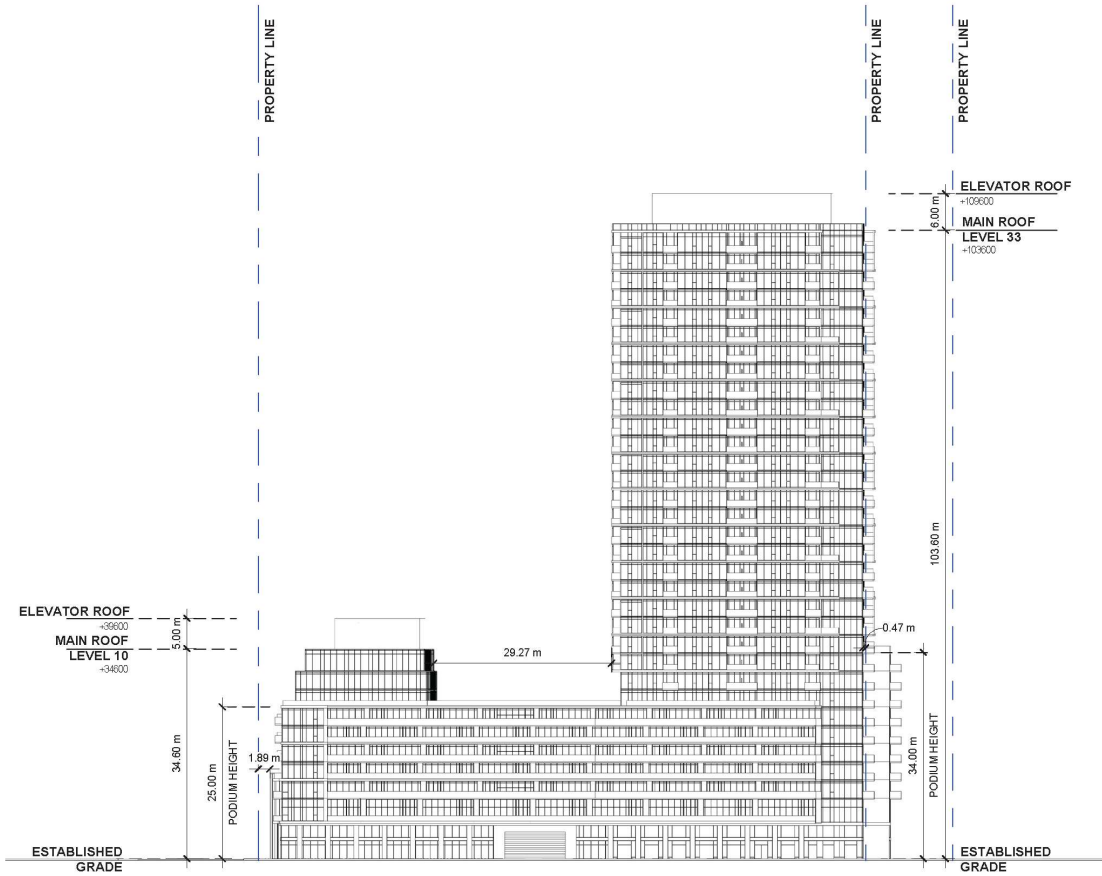
Attachment 3: Site Plan



Site Plan

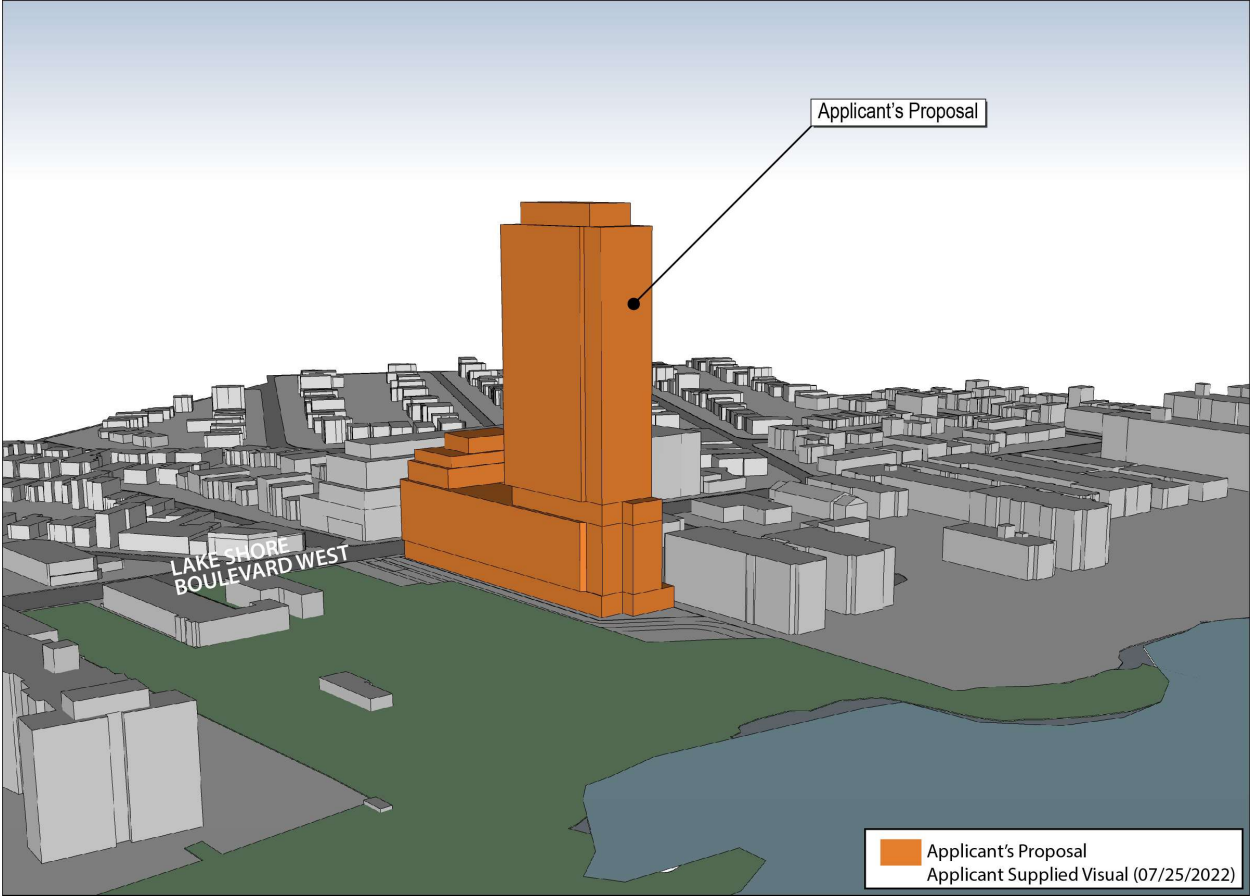


Attachment 4: South Elevation

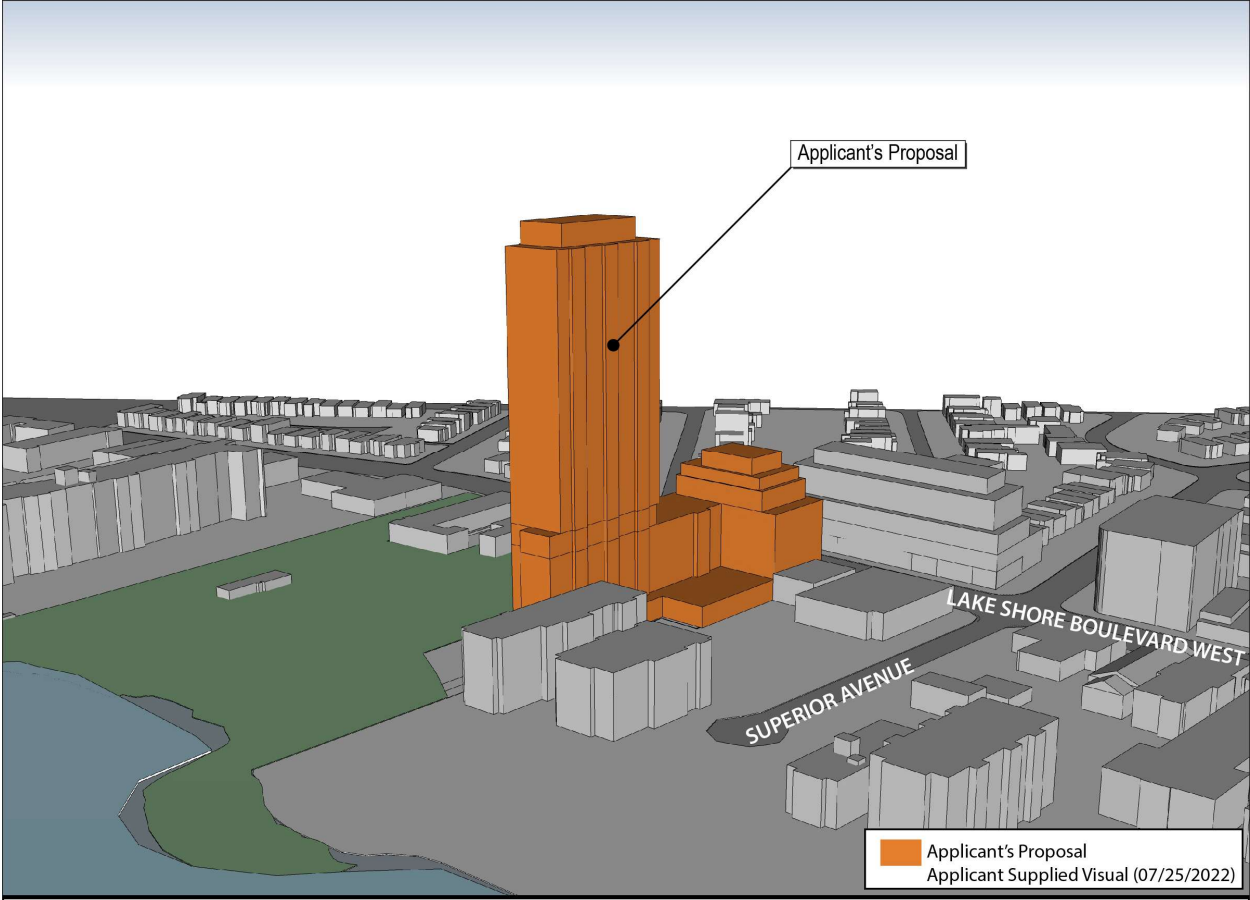


South Elevation

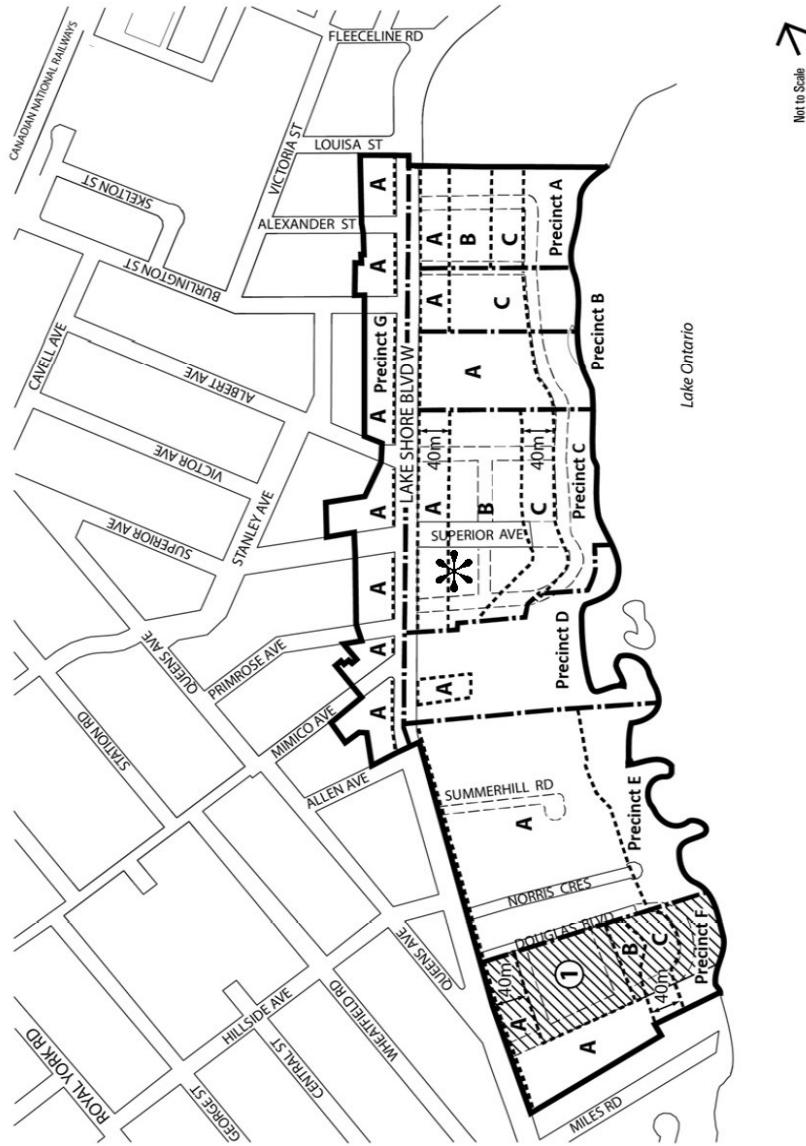
Attachment 5: 3D Model of Proposal in Context Looking towards Northwest



Attachment 6: 3D Model of Proposal in Context Looking towards Southwest



Attachment 7: Mimico-by-the-Lake Secondary Plan - Map 33.6



[Modified: PL130885 – LPAT Order February 8, 2019]



Mimico-by-the-Lake Secondary Plan

MAP 33-6 Maximum Building Heights

- | | | |
|---|---|---------------------------------|
| <p>— Secondary Plan Boundary</p> <p>A Height 6 to 8 storeys, to a maximum 27 m</p> <p>B Height 16 to 25 storeys, 50 m to 76.5 m maximum</p> <p>C Height 10 to 15 storeys, 31.5 m to 46.5 m maximum</p> | <p>--- Precinct Boundary</p> <p> Site Specific Policy</p> | <p> Location of Application</p> |
|---|---|---------------------------------|







Attachment 8: Official Plan Land Use Map




2405, 2407, 2409 - 2411, 2417 Lake Shore Boulevard W

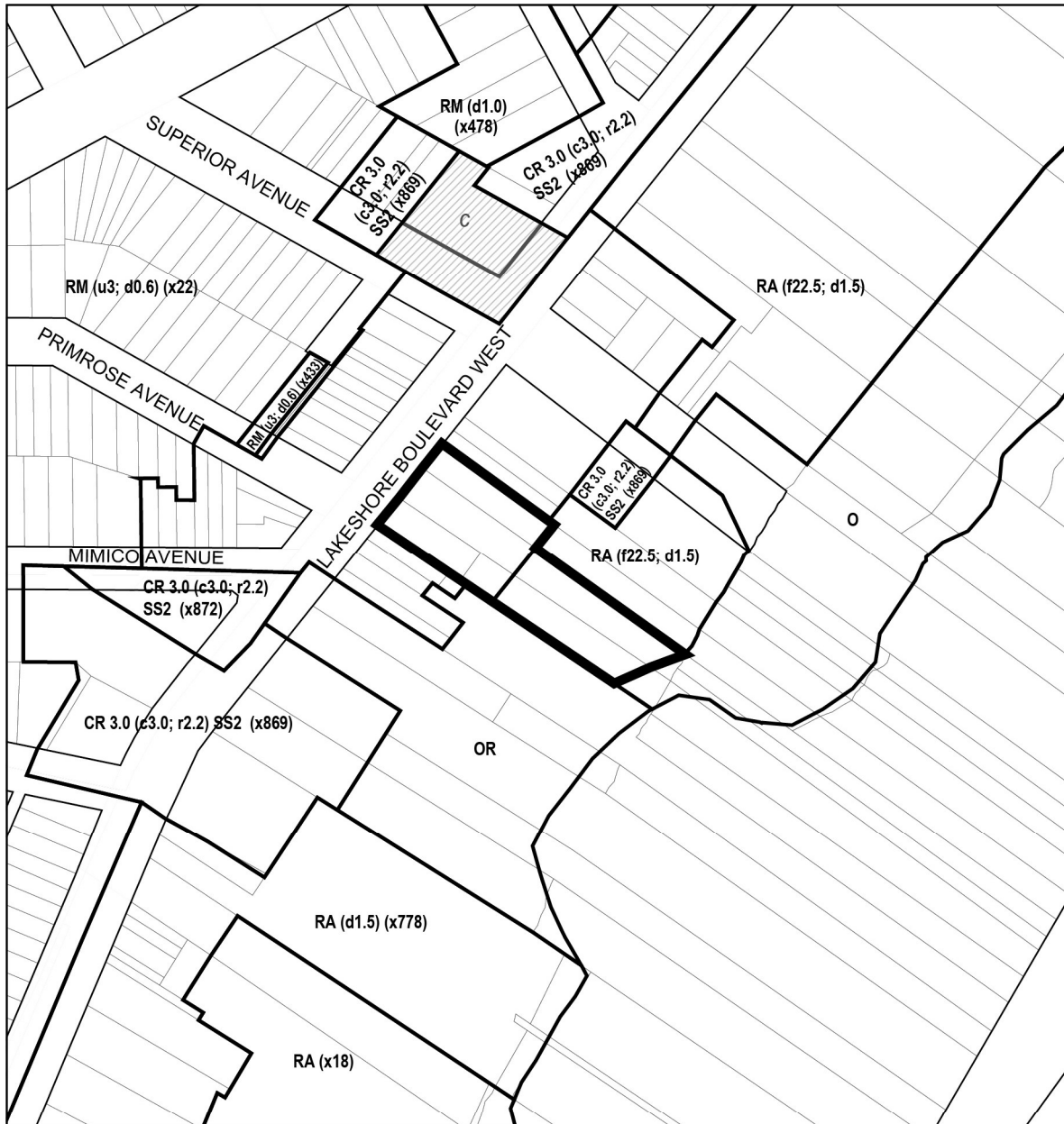
Official Plan Land Use Map #15

File # 21 235704 WET 03 0Z

- | | |
|--|---|
|  Location of Application |  Natural Areas |
|  Neighbourhoods |  Parks |
|  Apartment Neighbourhoods | |
|  Mixed Use Areas | |


Not to Scale
Extracted: 06/26/2023

Attachment 9: Existing Zoning By-law Map (569-2013)




2405, 2407, 2409 - 2411, 2417 Lake Shore Boulevard W

Zoning By-law 569-2013

File # 21 235704 WET 03 0Z

-  Location of Application
- RM** Residential Multiple
- RA** Residential Apartment
- CR** Commercial Residential
- O** Open Space
- OR** Open Space Recreation

-  See Former City of Etobicoke (Mimico) By-Law No. 1930
- C** Commercial


 Not to Scale
 Extracted: 06/26/2023