

## **685 Lake Shore Boulevard East – Applications for Zoning By-law Amendment and Site Plan Control – Appeal Report**

Date: October 27, 2023

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 14 - Toronto-Danforth

**Planning Application Numbers:** 22 204512 STE 14 OZ and 22 204511 STE 14 SA

### **SUMMARY**

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On September 2, 2022 the City received applications for Zoning By-law Amendment and Site Plan Control to permit a mixed-use development in the Port Land's McCleary District. This application proposed two 35-storey residential towers connected by a 4-storey commercial base building. A resubmission of the application was received on June 22, 2023, revising the height of the residential towers to 38 and 43-storeys respectively. The revised application contains 899 condo dwelling units and two levels of underground parking.

On July 10, 2023 the applicant appealed these applications to the Ontario Land Tribunal ("OLT") due to Council's failure to make a decision within the time frame prescribed by the Planning Act. A Case Management Conference has been scheduled for November 17, 2023.

This report recommends that the City Solicitor and appropriate City staff attend the OLT hearing to oppose the application in its current form and continue discussions with the applicant in an attempt to resolve outstanding issues and to ensure coordination with ongoing precinct planning for the McCleary District.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current application regarding the Zoning By-law Amendment and Site Plan appeal, for the lands at 685 Lake Shore Boulevard East and to continue discussions with the applicant 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 Orders be withheld until such time as the City Solicitor advises that:
  - a. the final form and content of the draft Zoning By-law is to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
  - b. the owner has addressed outstanding issues in relation to site servicing and has submitted revised Functional Servicing, Stormwater Management and Hydrogeological Reports providing confirmation of water, sanitary and stormwater capacity, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and entered into and registered a financially secured agreement satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services to construct, provide, make operational, and warrant any necessary upgrades to existing services and facilities or new services and facilities;
  - c. the final draft Zoning By-law includes appropriate holding provisions addressing matters related to flood protection, compatibility, transportation infrastructure, servicing, solid waste management, affordable housing and matters relevant to precinct planning to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning; and
  - d. necessary studies, including those related to pedestrian level wind impacts, sun and shadow, and noise and air quality compatibility have been completed and their recommendations addressed to the satisfaction of the Chief Planner and Executive Director, City Planning.
3. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

## **FINANCIAL IMPACT**

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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**

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At its meeting on December 8, 2017, City Council adopted the staff report from the Deputy City Manager, Cluster B, entitled "Port Lands Planning Initiatives – Final Report". This comprehensive effort is the result of analysis and consultation beginning in 2013 and culminating in the Port Lands Planning Framework (PLPF) and the Port Lands Official Plan Modification (OPM). The report recommended a work program to implement Council direction that included a Zoning Review for Port and Industrial

Districts, a Precinct Plan for McCleary District, and Urban Design Guidelines for the Production, Interactive and Creative (PIC) Core District.

This report can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2017/pg/bgrd/backgroundfile-107844.pdf>

The Port Lands OPM was appealed to the Ontario Land Tribunal and the City worked with the various appellants to resolve land use, compatibility and transportation issues. A Settlement Hearing was held on April 16, 2021 to present the various settlements and the revised version of the OPM to the Tribunal.

This OLT Decision can be found at the following link: <https://www.omb.gov.on.ca/e-decisions/pl030514-May-18-2021.pdf>

Subsequent to the OLT Phase 1 Settlement hearing, the City engaged in discussions to resolve Phase 2 issues throughout 2021 and 2022, resolving the majority of outstanding issues, with the exception of site-specific affordable housing, Section 37 and parkland dedication issues. The OLT Decision was issued on July 11, 2022 which brought the OPM into effect, with the exception of those few site-specific issues.

This OLT Decision can be found at the following link: <https://www.omb.gov.on.ca/e-decisions/OLT-22-002109-JUL-11-2022.PDF>

## **SITE AND SURROUNDING AREA**

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**Description:** The site is located with frontage on the south side of Lake Shore Boulevard East and the east side of Saulter Street. It is 9,900 square metres in size with a frontage of approximately 91 metres along Lake Shore Boulevard East and approximately 109 metres along Saulter Street.

**Existing Uses:** The site previously operated as a Greyhound Bus depot and is currently occupied by a two-storey metal frame building surrounded by surface parking.

## **THE APPLICATION**

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**Height:** Two residential towers reaching 43 and 38-storeys or 148.8 and 131.5 metres respectively, with a shared 4-storey commercial base building.

**Density:** 7.48 times the area of the lot.

**Dwelling Units, Affordable Housing and Amenity Space:** The proposal includes 58,459 square metres of residential gross floor area (GFA). A total of 899 condo dwelling units are proposed, comprised of 67 bachelor units (7%), 546 one-bedroom units (61%), 201 two-bedroom units (22%), and 85 three-bedroom units (9%). Also,

1,011 square metres of indoor, and 973 square metres of outdoor amenity space is proposed. No on-site affordable housing is proposed.

**Access, Parking and Loading:** Initially, the applicant proposes that pedestrians and cyclists will be able to access the building from Lake Shore Blvd East, Saulter Street, or a proposed interim roadway at the south edge of the site. Vehicles will be able to access the site via the interim roadway which provides access to the parking ramp at the south end of the podium. In the ultimate condition, pedestrians and cyclists would access the site from the public street frontages, including the Broadview extension along the east edge of the site.

Parking for the proposed development will be provided in a two-level underground parking garage. A total of 202 vehicular parking spaces are provided, including 159 parking spaces for residents and 43 parking spaces shared between retail, office and visitors.

The proposed development includes six loading spaces, all located at grade, which will serve both buildings. Two Type 'B' and one Type 'G' loading spaces are proposed to be located along the western elevation, accessed via Saulter Street.

**Bicycle Parking:** The proposal includes a total of 973 bicycle parking spaces, consisting of short- and long-term spaces for the residential, office and retail uses.

### **Additional Information**

See the Attachments to this report for a location map, Application Data Sheet, site plan, ground floor plan and elevations. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: [www.toronto.ca/685LakeShoreBlvdE](http://www.toronto.ca/685LakeShoreBlvdE)

### **Reasons for Application**

The application for Zoning By-law Amendment was submitted to seek permission to permit residential uses, increase the permitted height and density, and to establish other provisions to accommodate the proposed development.

### **Site Plan Control**

The application is subject to Site Plan Control and an application for Site Plan approval was submitted together with the application for Zoning By-law amendment. Both applications are under appeal.

## **POLICY CONSIDERATIONS**

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### **Provincial Land-Use Policies**

All decisions of 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 Designation**

The site at 685 Lake Shore Boulevard East is designated as Regeneration Areas within the Central Waterfront Secondary Plan (CWSP), under the former City of Toronto Official Plan. Regeneration Areas are intended to provide for a broad mix of commercial, residential, light industrial, parks and open space, institutional and live/work uses in an urban form in order to revitalize areas that are largely vacant or underused. As well, they are intended to create new jobs and homes that use existing infrastructure and create and sustain well-paid, stable, safe and fulfilling employment opportunities. The CWSP requires the completion of a precinct plan prior to, or concurrent with, approvals to introduce residential uses.

The CWSP identifies McCleary District, where the site is located, as a Production, Interactive, Creative (PIC) Mixed-Use District. These areas are envisioned to contain a mix of residential, commercial and retail uses in a compact urban form with an emphasis on supporting a proportion of PIC uses on every block.

The site is also subject to Official Plan Amendment 570 (OPA 570), implementing the City's Major Transit Station Area framework. OPA 570 includes the Protected Major Transit Station Area associated with the planned East Harbour Ontario Line station, addressed in Site and Area Specific Policy No. 688, which identifies target densities for this vicinity. OPA 570, and the related Inclusionary Zoning framework, is pending approval by the Ministry of Municipal Affairs and Housing and is not currently in-effect.

### **Zoning**

The site is subject to the former City of Toronto Zoning By-law 438-86, as amended by By-law 1305-2019. The site is currently zoned "I2 D2", subject to permission exceptions 12(1) 272 and 493 and restrictive exception 12(2) 270. There is no height limit specified for the subject property. The I2 (Industrial 2) zone and permissive exception 12(1)493 permits a broad range of non-residential uses on the subject site, including a range of additional non-residential uses added through exception 493, up to a density of two times the area of the lot. Residential uses are currently not permitted.

### **Design Guidelines**

The following design guidelines have been used in the evaluation of this application:

- Tall Building Design Guidelines;
- The Port Lands Planning Framework (PLPF)
- Growing Up Guidelines: Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines;
- Best Practices for Bird-Friendly Glass;

- City's Complete Streets and Pedestrian Priority Guidelines;
- Retail Design Guidelines;
- Best Practices for Effective Lighting; and
- Toronto Accessibility Design Guidelines.

The City's Design Guidelines can be found here:

<https://www.toronto.ca/citygovernment/planning-development/officialplan/guidelines/design-guidelines/>

## **Toronto Green Standard**

The Toronto Green Standard (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. The TGS can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/toronto-green-standard/>

## **COMMUNITY CONSULTATION**

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A Virtual Community Consultation Meeting was held on March 1, 2023. City Planning staff, the Ward Councillor, the applicant team and approximately 15 people attended. Following presentations by City staff and the applicant, the following comments and issues were raised by participants:

- Implementation of the CWSP and PLPF through the development;
- Provision of affordable housing on-site, consistent with in-effect affordable housing targets; and
- Opportunities for improved setbacks, public realm and streetscaping;

## **COMMENTS**

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### **Provincial Framework**

Staff's review of this application has had regard for the relevant matters of Provincial interest set out in the Planning Act. Staff have reviewed the current proposal for consistency with the Provincial Policy Statement and conformity with the Growth Plan. All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform to Provincial plans.

The proposed development is not consistent with PPS policies concerning the development of complete communities and the provision of affordable housing and does not conform to Growth Plan policies relating to the provision of affordable housing in major transit station areas.

## **McCleary District Precinct Plan**

The site is within the McCleary District as represented within the CWSP. The CWSP requires the completion of a precinct plan prior to or concurrent with the consideration of approvals for residential use permissions. A precinct planning process commenced in 2023 as a joint project between CreateTO, City Planning and Waterfront Toronto, with analytical, design and engagement work planned through 2024.

The precinct plan will address matters including, but not limited to the location of local parks, streets and blocks, land use strategy, built form, density, compatibility, community services and housing, as well as coordination with area infrastructure projects, including the extension of Broadview Avenue. Approval of a Zoning By-law amendment permitting residential uses is premature until the precinct planning process is sufficiently advanced to ensure coordination between the site specific application and this broader planning exercise.

## **Built Form & Urban Design**

The proposed height exceeds what is currently envisioned in the CWSP, which limits height in the McCleary District to 39-storeys, with a height peak at the corner of the Don Roadway and Lake Shore Boulevard East, and heights terracing down to the south and east. As alternative built form scenarios are being considered through the precinct planning process, coordination is necessary to ensure development of 685 Lake Shore Boulevard East is consistent with area planning.

The following built form and urban design matters also need to be addressed in this proposal and should, where relevant, be coordinated with precinct planning:

- podium height;
- floorplates;
- unit sizes (a minimum of 15% 2-bedroom units at 90 square metres and 10% 3-bedrooms at 106 square metres);
- tower separation from 115 Saulters Street,
- setbacks and step-backs;
- views to area heritage structures;
- adequate provision of retail animation fronting Broadview Avenue and the public realm;
- limiting blank walls associated with service areas; and
- an architectural response to net-zero sustainability objectives and passive design consistent with the CWSP.

In addition to ensuring quality and cohesion of design within McCleary District, the matters above must be addressed in a manner that mitigates impacts from wind and

shadow; supports the delivery of a high quality and functional public realm; and prevents conflict with the development of adjacent properties. The CWSP stipulates numerous built form criteria, including an established height maximum, for which an Official Plan Amendment would be required if not addressed through precinct planning. This reinforces staff's assertion that approval of the proposed Zoning By-law amendment is premature until such time as precinct planning is sufficiently advanced to resolve the above noted issues.

### **Sun/Shadow**

As a result of the larger floor plates proposed and the east-west orientation of the towers and their staggered placement, a solid block of shadow will be cast on Lake Shore Boulevard East by the current proposal. The PLPF identifies that 5 hours of continuous sun should be achieved on the streetscape. This is especially important on the north side of Lake Shore Boulevard East given the location of the Martin Goodman trail. The shadow impacts should be assessed cumulatively with area planned development, through precinct planning.

### **Wind**

The CWSP seeks comfortable conditions in all seasons. The current proposal will result in wind speeds which may exceed the annual safety criterion and that could be uncomfortable around building corners and between the proposed building and the neighbouring building to the south during most seasons. This is not acceptable. Mitigation should be provided through changes to the building envelope. This should be undertaken through a wind tunnel study and report. Future wind conditions should be comfortable for sitting during spring, summer and fall seasons where seating is anticipated along sidewalks, entrances, and amenity areas. Conditions should also be comfortable for walking during the winter season.

### **Public Realm and Streetscape**

The CWSP aims to create a diverse and multi-functional public realm with activated public spaces with the highest caliber of urban design. This is achieved, in part, by providing wide sidewalks with unobstructed, accessible pedestrian clearways which encourage walking and contribute to the overall vibrancy of the Port Lands. The proposed design addresses this objective by providing a 6m curb-to-building setback on all sides.

The City's Official Plan and TGS together outline objectives for the integration and balancing of environmental needs, including through tree canopy cover. A resubmission that fully considers the obligations outlined within these policies is needed; specifically, strategies for retaining existing healthy trees and the provision of dedicated space on the subject site and along the City road allowance for the planting of large-growing shade trees and their supporting infrastructure. Trees are required on all street frontages. Additionally, a watering and maintenance program for at least the first four years after planting is required and additional information on soil volumes and



improvements to the proposed private trees is necessary. Currently, the private trees do not meet Urban Forestry's standards with respect to spacing, size and diversity.

A composite Public Utility Plan (Quality Level-A) is also required to determine where trees can be located, and if additional building setbacks will be required, should there be conflicts.

### **Affordable Housing**

The housing policies of the CWSP apply to this site, including policy direction that development of these lands contribute to the objective of securing 25% of all housing units as affordable rental housing and low-end of market housing. More specifically, the CWSP requires the provision of affordable rental housing on privately owned land, either as land or units conveyed to the City or as retained on-site affordable rental units, secured for a period of not less than 25 years.

As no affordable units are currently proposed, the proposal is not consistent with the CWSP or with provincial policy concerning development in the vicinity of transit infrastructure.

### **Land Use**

The CWSP states a minimum of 25% of the total GFA within a block will consist of PIC Core land uses, excluding retail and service uses. Given that this proposal is the first within its block, and advancing concurrent with precinct planning, the 25% PIC Core GFA and 30% non-residential GFA requirements should be met through this development.

### **Parkland**

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the Owner is required to satisfy the parkland dedication requirement 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.

The value of the cash-in-lieu of parkland dedication will be appraised upon the submission of an application for the First Above Grade Building Permit and will be valid for six months. Payment will be required prior to the issuance of this permit.

### **Transportation**

Coordination with the ongoing design of the Broadview Avenue Extension is required, including consideration of impacts on the proposed road at the south end of the site. Subject to final determination through the precinct planning process, lands connecting the Villiers Street to the future extension of Broadview Avenue will be required for use as a public right-of-way. All public rights-of-way are to be free from structural (below-,

at-, and above-grade) encroachments and are required to be provided free and clear of all obstructions and encumbrances.

Acceptable civil and functional plans for a revised design of Saulter Street South, in accordance with the City's Lane Width, Curb Radii, and Curb Extension Design Guidelines, between Lake Shore Boulevard East and Villiers Street is also required.

### **Servicing**

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the subject site and have been reviewed by Engineering and Construction Services. A number of revisions are required together with some additional information.

In the event that the OLT allows the appeal in whole or in part, staff recommend that the OLT withhold the issuance of any Order that may approve the applications until such time as the final draft Zoning By-law includes appropriate holding provisions to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning to ensure the adequacy of servicing to the site.

### **Solid Waste**

Revisions are required to the staging pad abutting the front of the Type G loading space which is currently less than the required minimum 89.9 square metres. Similarly, the garbage storage rooms for Tower A and B do not meet the minimum standards of at least 134.72 square metres and 123.02 square metres respectively.

A methane study was submitted with the proposal given the site is within 250 metres of a closed municipal landfill. The study remains under review and further requirements may be identified by the City.

### **Toronto Green Standard**

All applications are required to meet Tier 1 of the Toronto Green Standard, Version 4. City staff encourage the applicant to meet a higher tier to support the City's objectives for resilience and achieving net-zero emissions by 2040 or sooner, and to respond to its sensitive and prominent waterfront location. The proposal also needs to demonstrate Green Roof By-law compliance.

### **Flood Protection**

The site is located within the Lower Don Special Policy Area. Consistent with the Protocol Regarding the Lower Don Special Policy Area between the Minister of Natural Resources and Forestry, the Minister of Municipal Affairs and the City of Toronto, the City may impose conditions on the approval of the site plan to protect public health and safety, protect property, and reduce/remove any potential liability of public authorities should the Owner elect to pursue development on lands within the Lower Don Special Policy Area before related flood protection infrastructure is complete and functional.

## **Compatibility**

The CWSP requires that, prior to permitting sensitive uses in the Zoning By-law, a package of measures, such as separation distances, buffer uses, source mitigation and/or receptor mitigation, may be required subject to additional studies prepared in accordance with requirements of the CWSP.

## **Further Issues**

City Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, staff may report back to City Council as necessary. Planning staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, staff may report back to City Council as necessary.

## **CONTACT**

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E-mail: [steven.barber@toronto.ca](mailto:steven.barber@toronto.ca)

## **SIGNATURE**

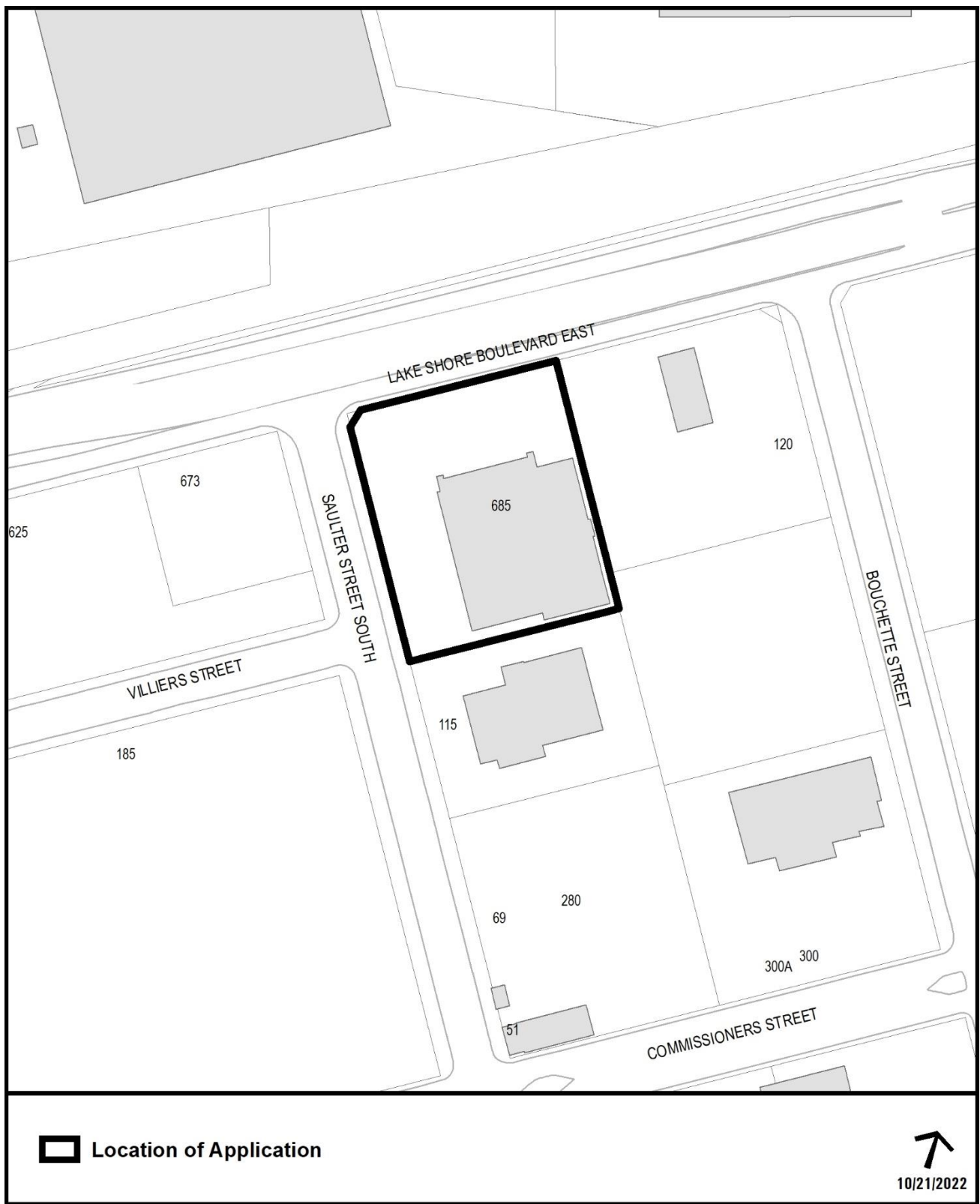
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Carly Bowman, M.Sc.PI, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

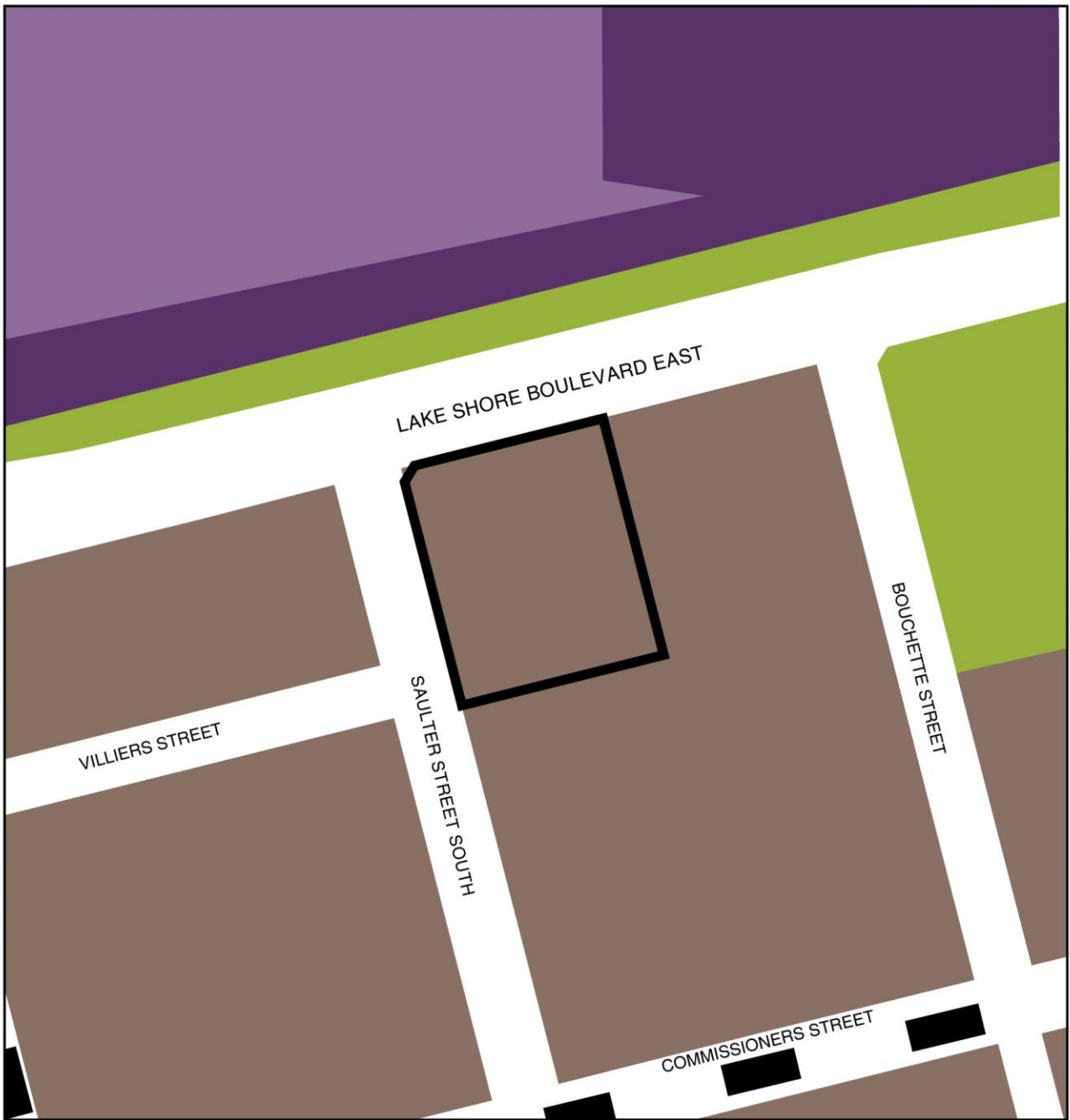
## **ATTACHMENTS**

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Attachment 1: Location Map  
Attachment 2: Official Plan Land Use Map  
Attachment 3: Existing Zoning By-law Map  
Attachment 4: Application Data Sheet  
Attachment 5: Site Plan  
Attachment 6: 3D of Proposal in Context Looking North  
Attachment 7: Ground Floor Plan  
Attachment 8: West Elevation  
Attachment 9: East Elevation




Attachment 2: Official Plan Land Use Map



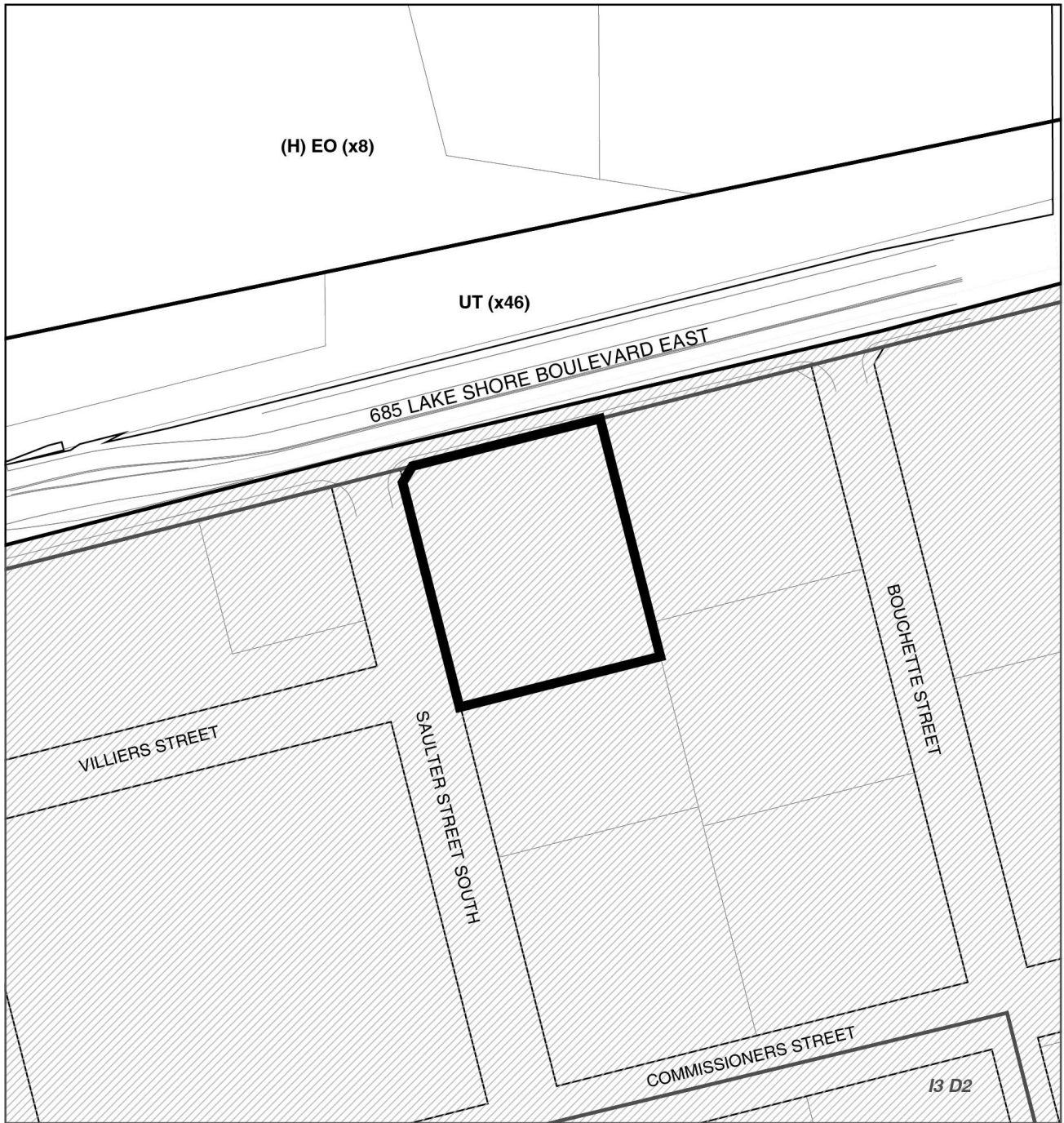
Official Plan Land Use Map #18

685 Lake Shore Boulevard E  
File # 22 204512 STE 14 0Z

-  Location of Application
-  Regeneration Areas
-  General Employment Areas
-  Core Employment Areas
-  Parks

  
Not to Scale  
Extracted: 09/19/2022

Attachment 3: Existing Zoning By-law Map



**Zoning By-law 569-2013**

**685 Lake Shore Boulevard E**

File # 22 204512 STE 14 0Z



Location of Application

**EO** *Employment Industrial Office*  
**UT** *Utility and Transportation*



See Former City of Toronto By-law No. 438-86

**I2** *Industrial District*  
**I3** *Industrial District*



Not to Scale  
 Extracted: 09/19/2022

Attachment 4: Application Data Sheet

**Municipal Address:** 685 LAKE SHORE BLVD E      **Date Received:** September 16, 2022

**Application Number:** 22 204512 STE 14 OZ

**Application Type:** Rezoning

**Project Description:** The development will contain approximately 74,054 square metres of gross floor area, inclusive of 58,459 square metres of residential gross floor area, 15,595 square metres of non-residential space and 899 residential units, resulting in a gross density of approximately 7.48 times the existing lot area.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
HILARY SPRIGGS		BDP Quadrangle	SLH LAKESHORE INC

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	Y
Zoning:	I2 D2 (x272 and x493)	Heritage Designation:	
Height Limit (m):	N/A	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m): 9,900      Frontage (m): 90      Depth (m): 108

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):	4,150		4,861	<b>4,861</b>
Residential GFA (sq m):			58,459	<b>58,459</b>
Non-Residential GFA (sq m):	4,150		15,595	<b>15,595</b>
<b>Total GFA (sq m):</b>	<b>4,150</b>		<b>74,054</b>	<b>74,054</b>
Height - Storeys:	2		43	<b>43</b>
Height - Metres:			148	<b>148</b>

Lot Coverage Ratio (%): 49.1      Floor Space Index: 7.48

<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	58,459	
Retail GFA:	2,672	
Office GFA:	12,923	
Industrial GFA:		
Institutional/Other GFA:		

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:				
Freehold:				
Condominium:			899	<b>899</b>
Other:				
<b>Total Units:</b>			<b>899</b>	<b>899</b>

**Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:					
Proposed:		67	546	201	85
<b>Total Units:</b>		<b>67</b>	<b>546</b>	<b>201</b>	<b>85</b>

**Parking and Loading**

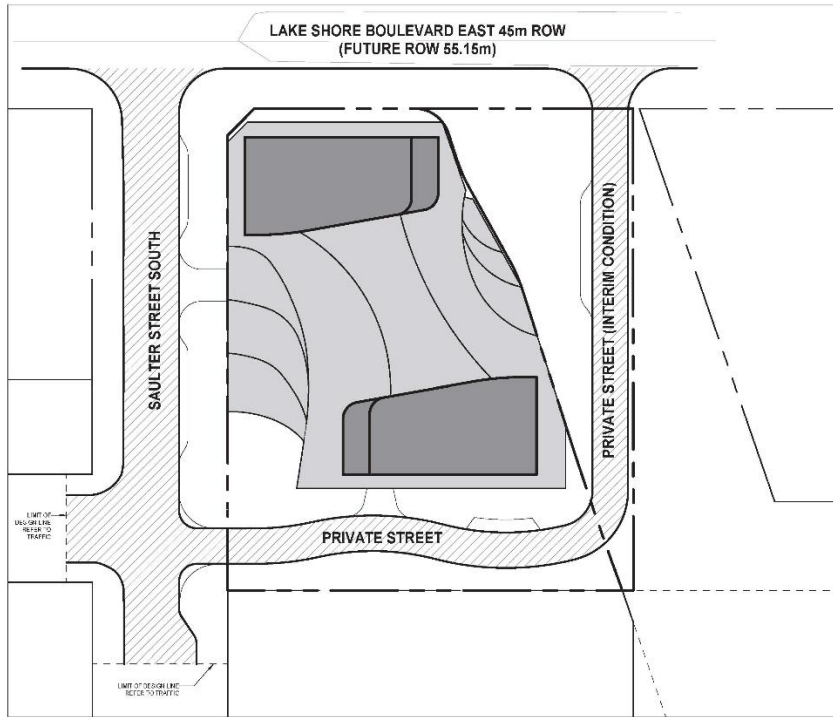
Parking Spaces: 202      Bicycle Parking Spaces: 973      Loading Docks: 6

**CONTACT:**

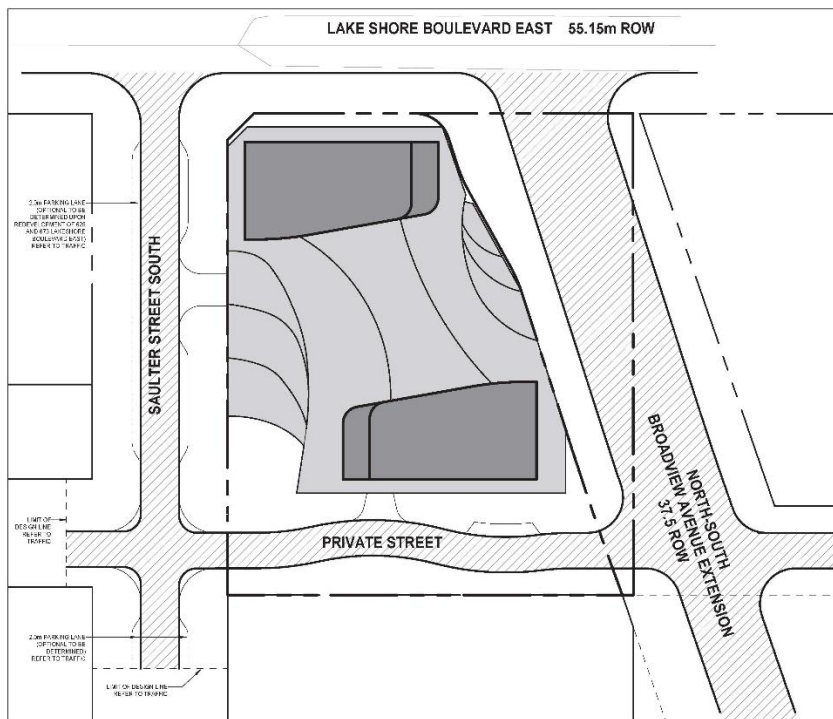
Steven Barber, Senior Planner  
416-338-8567  
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# Attachment 5: Site Plan

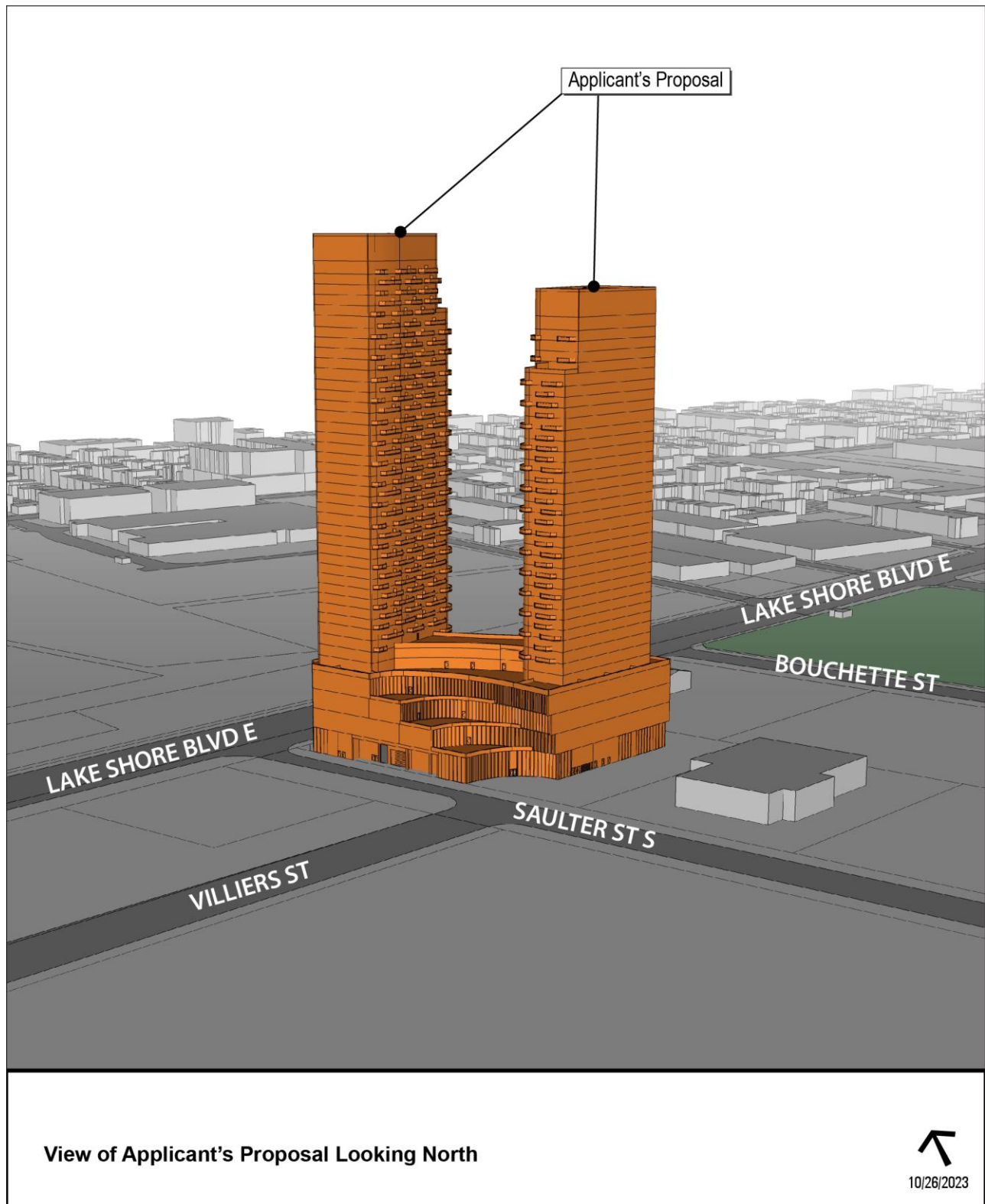


2 INTERIM SITE CONDITION  
A103.2



3 FINAL SITE CONDITION  
A103.2

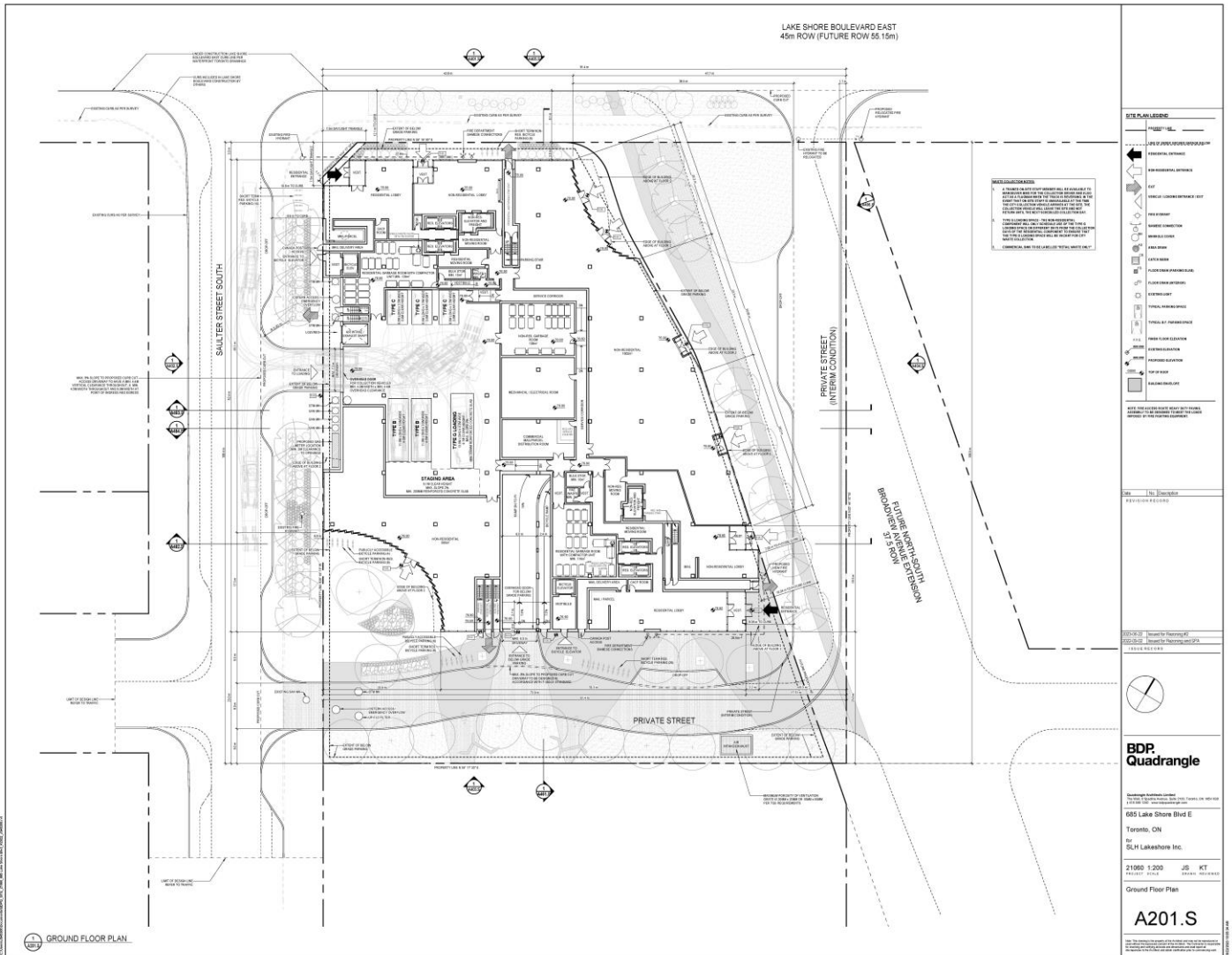
Attachment 6: 3D View of Proposal in Context Looking North



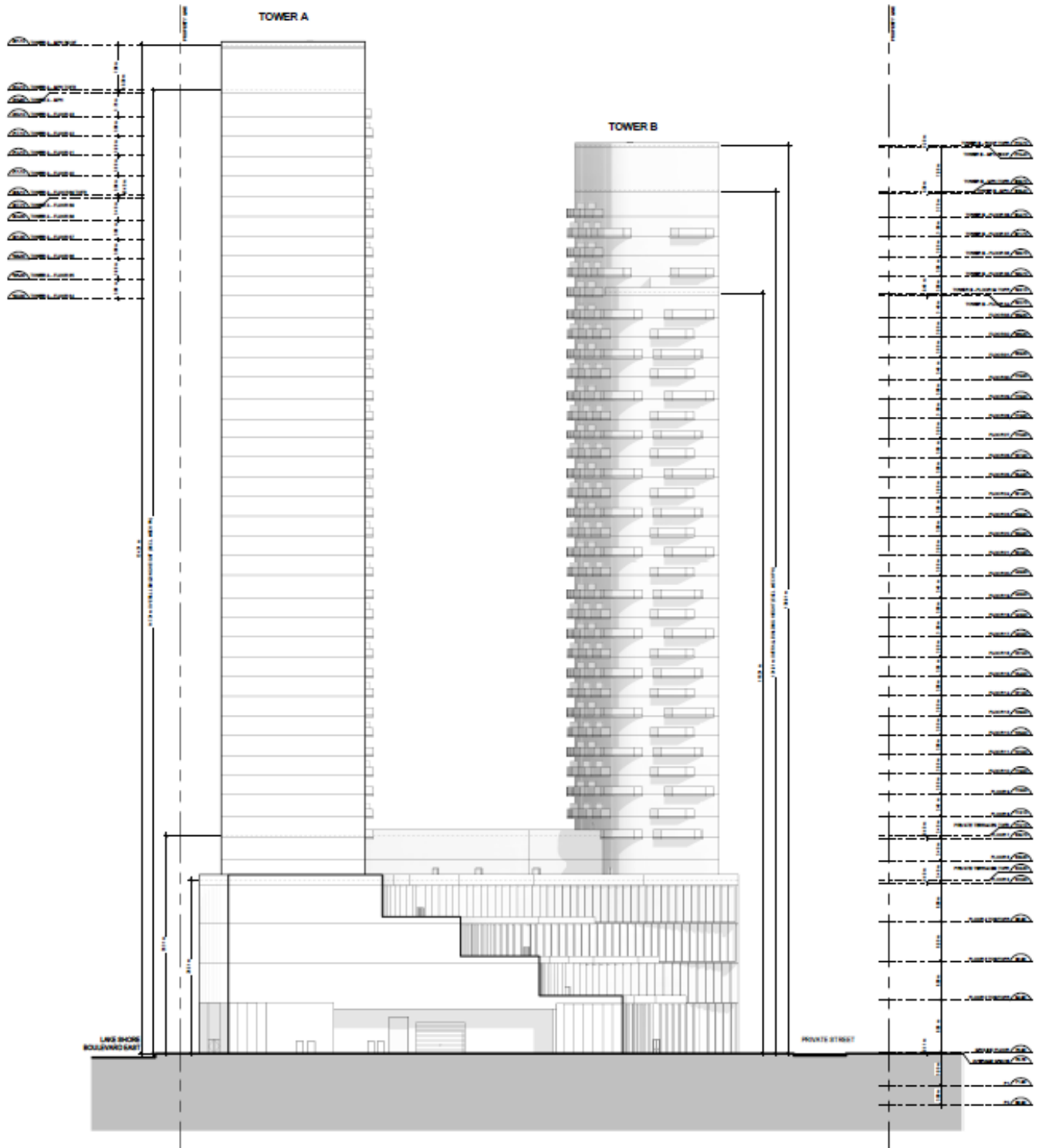
View of Applicant's Proposal Looking North

10/26/2023

# Attachment 7: Ground Floor Plan



Attachment 8: West Elevation



Attachment 9: East Elevation

