

## **290 Lake Promenade Committee of Adjustment Application**

**Date:** April 3, 2024

**To:** Chair and Committee Members, Committee of Adjustment, Etobicoke York District

**From:** Michael Mizzi, Director, Community Planning, Etobicoke York District

**Ward:** 3 (Etobicoke-Lakeshore)

**File No:** A0533/19EYK

**Hearing Date:** April 11, 2024

### **RECOMMENDATIONS**

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City Planning staff recommend that the Minor Variance application be refused.

### **APPLICATION**

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To construct a new detached dwelling with an attached garage, two second floor front balconies, a third-floor rear platform, and a deck in the rear yard.

### **CONTEXT**

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The subject property is located south of Lake Shore Boulevard West and west of Thirty Fifth Street.

The subject property is zoned Residential Detached (RD) under the city-wide Zoning By-law 569-2013. The objective of the Zoning By-law is to establish specific standards as to how land is to be developed.

The subject property is designated *Neighbourhoods* on Map 15 in the Toronto Official Plan. Policy 4.1.5 of the Official Plan states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of each geographic neighbourhood, including in particular:

- c) prevailing heights, massing, scale, density and dwelling type of nearby residential properties.

The Official Plan further states that "No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the overall physical character of the entire *Neighbourhood*."

Policy 4.1.8 of the Official Plan states that "Zoning By-laws will contain numerical site standards for matters such as building type and height, density, lot sizes, lot depths, lot frontages, parking, building setbacks from lot lines, landscaped open space and any other

performance standards to ensure that new development will be compatible with the physical character of established residential *Neighbourhoods*."

### Long Branch Neighbourhood Character Guidelines

At its meeting of January 31, 2018, City Council adopted the Long Branch Neighbourhood Character Guidelines, as modified, and directed staff to apply the Guidelines in review of all new development applications and public initiatives for all lands designated *Neighbourhoods* bounded by: Lake Ontario to the south, the rail corridor to the north, Twenty Third Street to the east, and Forty Second Street (including Marie Curtis Park) to the west. Further, it was requested that the adopted Long Branch Neighbourhood Character Guidelines be used by home builders, the community, City staff, committees and appeal bodies to provide direction in their decision making as they develop plans, review applications for redevelopment and/or enhance the public realm in the Long Branch neighbourhood. Applicants are required to submit a Performance Standards Checklist and rationale along with their applications to explain how their proposals meet the Guidelines. The applicant has submitted a completed Performance Standards Checklist to Planning staff.

### **COMMENTS**

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The application was originally scheduled to be heard on November 21, 2019, however, it was deferred by the applicant "in order to better understand the concerns of staff and the community, and modify the proposal in a way which we expect will satisfy those concerns." as per the applicant's letter dated November 20, 2019.

City Planning staff have reviewed the application, supporting materials, and previous Committee of Adjustment decisions in the area in relation to the adjacent dwellings, immediate context, and surrounding neighbourhood. Based on this review, City Planning staff have identified concerns with the proposed Floor Space Index (FSI) of 0.74 times the lot area where 0.35 times the lot area is permitted and a height of 9.79 metres where 9.5 metres is permitted.

Provisions for Floor Space Index are intended, in part, to regulate the massing and scale of a dwelling on a given lot to maintain a consistent pattern of development between neighbouring properties both in the immediate context and broader neighbourhood. City Planning staff note that the proposed FSI of 0.74 is amongst the highest proposed in the immediate area and greater neighbourhood and fails to respect and reinforce the prevailing character of the neighbourhood. The prevailing, or most frequently occurring, FSI in the neighborhood is less than the proposed 0.74. City Planning staff note that the proposed three storey dwelling is a result of the combination of variances requested for FSI and height.

The objective of the Long Branch Neighbourhood Character Guidelines is to identify the neighbourhood's key character-defining qualities, and to ensure that future developments are designed in a manner which is contextually sensitive and responsive to the neighbourhood character in keeping with Policy 4.1.5 of the City's Official Plan.

Section 3.2.1, Building Heights, of the Long Branch Neighbourhood Character Guidelines speaks to how zoning regulates building heights. In this section, the guidelines speak to building heights in Long Branch which “generally range between one and two storeys with the exception of multi-unit residential developments, which incorporate heights of three and four storeys. The zoning regulation sets a maximum building height of 9.5 metres and encompasses much of the neighbourhood's Residential Detached (RD) zones. In the Residential Multiple (RM) zones which permit a variety of residential building types, the maximum building height varies between 10 to 12 metres.” The guidelines go on to say that “new single family dwellings should be designed to maintain and reinforce the one to two storey character of Long Branch.”

It is important to note that the proposed dwelling in the RD zone is evaluated against the same zoning standards of other dwellings within the same zoning category. Staff note the prevailing character of the neighbourhood is mainly two-storey dwellings. Developments consisting of three or more stories in the neighbourhood would have been constructed prior to the Long Branch Character Guidelines coming into effect and the city-wide Zoning By-law 569-2013 being enacted. The application for a new proposed dwelling at 290 Lake Promenade fails to maintain and reinforce the prevailing one to two storey character of the Long Branch neighbourhood and immediate area.

In addition to the Performance Standards checklist submitted by the applicant in response to the Long Branch Character Guidelines, City Planning staff have requested an elevation rendering of the proposed development alongside the neighbouring properties to better understand how the proposed development responds and “fits” within the existing context specifically, the immediate neighbouring properties. The applicant has provided a streetscape rendering however City Planning staff are unable to determine whether the proposal respects the neighbouring properties as the streetscape rendering is not accurate and/or not to scale.

City Planning staff are of the opinion that the requested variances are not minor in nature, do not meet the general intent and purpose of the Official Plan and the Zoning By-law, are not desirable for the appropriate development of the land nor do they respect and reinforce the neighbourhood character or have regard for the Long Branch Neighbourhood Character Guidelines. City Planning staff recommend that the Minor Variance application be refused.

## **CONTACT**

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## SIGNATURE

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Signed by Al Rezoski, MCRP, AICP, Manager, Community Planning, on behalf of  
of Michael Mizzi, MCIP, RPP  
Director of Community Planning  
Etobicoke York District