

DECISION AND ORDER

Decision Issue Date Wednesday, May 19, 2021

PROCEEDING COMMENCED UNDER Section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): GUNTHER EYSENBACH

Applicant: LORNE ROSE

Property Address/Description: 440 LAKE FRONT

Committee of Adjustment Case File: 19 210064 STE 19 MVs

TLAB Case File Number: 19 264489 S45 19 TLAB

Deadline Date for Closing Submissions/Undertakings: February 17, 2021

Hearing dates: Thursday, January 14, 2021
Friday, January 15, 2021
Wednesday, January 27, 2021
Thursday, January 28, 2021
Friday, January 29, 2021

DECISION DELIVERED BY S. Gopikrishna

APPEARANCES

| NAME | ROLE | REPRESENTATIVE |
|-------------------|----------------|---------------------------|
| LORNE ROSE | APPLICANT | |
| GUNTHER EYSENBACH | APPELLANT | BORDEN LANDER GERVAIS LLP |
| DAVID MCKAY | EXPERT WITNESS | |
| SEAN MCGAFFEY | EXPERT WITNESS | |
| BRUCE BOSTOCK | EXPERT WITNESS | |
| HEATHER DROST | EXPERT WITNESS | |

| | | |
|------------------------------|--------------|--|
| AUDREY AZAD | PARTY | DENNIS WOOD / |
| ANGELA FANG | | |
| BRENT CRAWFORD | PARTY | DENNIS WOOD / ANGELA FANG |
| KATHRYN NELSON | PARTY | MAGGIE BASSANIFOR / / JOHN PAPPAS |
| STEVEN NELSON | PARTY | MAGGIE BASSANIFORÉJOHN PAPPAS |
| MANDI KIMSA | PARTY | JOHANNA SHAPIRA |
| KEVIN KIMSA | PARTY | JOHANNA SHAPIRA |
| ELEANOR M. GUEST | PARTY | JOHANNA SHAPIRA |
| WILLIAM GUEST | PARTY | JOHANNA SHAPIRA |
| BARBARA LEANNE RAPLEY | PARTY | |

INTRODUCTION AND BACKGROUND

Mr. Gunter Eysenbach is the owner of 440 Lake Front , located in Ward 19 (East York- Beaches) of the City of Toronto. He applied to the Committee of Adjustment (COA) for the approval of variances, to construct a new four storey detached dwelling.at the Site. The COA considered the Application at its meeting on December 4, 2019, and refused the Application in its entirety. There were a total of four (4) Parties, all of whom were represented by Counsel, six (6) Expert Witnesses and close to 15 Participants who wanted to give evidence in the Hearing

On December 23, 2019, the Applicant appealed the COA's Decision to the Toronto Local Appeal Body (TLAB). The TLAB held a Hearing on October 21, 2020 to determine how many days of Hearing would be required to complete the Proceeding. The presiding Member, Mr. Ian Lord, released an Interim Decision on December 23, 2021, stating that the Hearing would have to be completed in five days. The TLAB scheduled Hearings on January 14-15, 2021, and January 26-28, 2021.

At the onset of the Hearing on January 14, 2021, the Parties requested for more time since they had started Settlement discussions, which were "progressing well". I granted the Parties time to have Settlement discussions on January 14, 2021, which was then extended, on a joint request by the Parties to include January 15, 2021. At the end of the day of January 15, 2021, I was advised by Mr. Robert Wood, Counsel for the Appellant, that the Parties were "very close" to a Settlement, and that updated Plans and Elevations may have to be submitted, before the next Hearing date on January 26, 2021, should a Settlement be reached before the date. I replied by stating that the Appellant could submit updated Plans and Elevations , accompanied by Form 3 (Applicant's Disclosure). When I was also informed by Mr. John Pappas, Counsel for Party Nelson, that the Settlement was "bi-lateral, and not quadrilateral", I thanked him for drawing my attention to the fact that only two Parties had settled by then, and

advised the Parties that there would no days of Hearing granted, beyond the original five assigned as per Chair Lord's Decision dated October 26, 2020.

When the Proceeding resumed on January 27, 2021, I was advised that the Parties were "closer" to a Settlement, than before, but needed "extra time". Extra time for mutual negotiation and Settlement was given on January 28, 2021- at the end of the day, I was advised that a Settlement had been reached, and that the Parties would present a Settlement Hearing on January 28, 2021

MATTERS IN ISSUE:

The following variances are requested:

- 1. Chapter 10.5.100.1 (2), By-Law 569-2013 – Driveway Width Other than Through the Front Yard for Certain Residential Building Types**
 - a. For a detached house, semi-detached house, or duplex, and for an individual townhouse dwelling unit if an individual private driveway leads directly to the dwelling unit, a driveway that is not located in or does not pass through the front yard may be a maximum of 5.2 metres wide. The proposed driveway has a width of 11.01 metres.
- 2. Chapter 10.20.40.40 (1), By-Law 569-2013 – Floor Space Index**
 - a. The permitted maximum floor space index is 0.6 times the area of the lot: 510.36 square metres. The proposed floor space index is 1.157 times the area of the lot: 984.3 square metres (including the area of the basement).
- 3. Chapter 10.20.40.50 (1) (A) and (B), By-Law 569-2013 – Platforms at or Above the Second Storey of a Detached House**
 - a. The permitted maximum number of platforms at or above the second storey located on the side wall of a detached house is 1. The proposed number of platforms on the south side wall is 2.
 - b. The permitted maximum area of each platform at or above the second storey of a detached house is 4.0 square metres. The proposed area of the 3rd floor platform is 6.20 square metres and the 4th floor platform is 17.4 square metres.
- 4. Chapter 10.20.40.70. (3), By-Law 569-2013 – Minimum Side Yard Setback**
 - a. The required minimum side yard setback is 0.9 metres where the required minimum lot frontage is 6.0 metres to less than 12.0 metres.
 - i. The proposed east side yard setback **for the water sports storage building** is 0.6 metres
 - ii. The proposed west side yard setback **for the attached garage** is 0.6 metres
 - iii. The proposed north side yard setback **for the attached garage roof structure** is **0.56** metres

- iv. The proposed south side yard setback **for the water sports storage building** is 0.38 metres.

5. Chapter 10.5.40.60 (3) (A) (i) and (iii) , By-Law 569-2013 – Exterior Stairs, Access Ramp and Elevating Device

- a. Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no longer than 1.5 horizontal unit for each 1.0 vertical unit above grade at the point where the stairs meet the building or structure. The proposed west stairs are 1.85 horizontal units for each 1.0 vertical unit above grade at the point where the stairs meet the building or structure.
- b. Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no closer to a lot line than 0.6 metres. The proposed stairs are 0.3 metres from the west lot line.

6. Chapter 10.5.80.40 (3), By-Law 569-2013 – Parking Space Access on a Lot

- a. Vehicle access to a parking space on a lot must be provided from a street or lane. The proposed access is not from a street or lane.

7. Chapter 10.200.30.20 (1), By-Law 569-2013 – Minimum Lot Frontage

- a. The required minimum lot frontage is 10.5 metres. The existing lot does not have frontage on a municipal a street.

8. Chapter 10.20.40.10 (1), By-Law 569-2013 – Maximum Height

- a. The permitted maximum height of a building or structure is 12.0 metres. The proposed height of the building is 13.47 metres.

9. Chapter 5.10.30.1 (1), By-Law 569-2013 – Availability of Services

- a. No land may be used and no building or structure may be erected or used on the land unless the land abuts an existing street, or is connected to an existing street by a street or streets, constructed to a minimum base curb and base asphalt or concrete. The proposed use is on land that does not abut a street.

10. Chapter 5.10.30.1 (2), By-Law 569-2013 – Fronting on a Street

- a. A building or structure may not be erected or used on any lot that does not abut a street. The proposed building or structure is on land that does not abut a street.

JURISDICTION

Provincial Policy – S. 3

A decision of the Toronto Local Appeal Body ('TLAB') must be consistent with the 2014 Provincial Policy Statement ('PPS') and conform to the Growth Plan of the Greater Golden Horseshoe for the subject area ('Growth Plan').

Minor Variance – S. 45(1)

In considering the applications for variances from the Zoning By-laws, the TLAB Panel must be satisfied that the applications meet all of the four tests under s. 45(1) of the Act. The tests are whether the variances:

- maintain the general intent and purpose of the Official Plan;
- maintain the general intent and purpose of the Zoning By-laws;
- are desirable for the appropriate development or use of the land; and
- are minor.

EVIDENCE

On January 29, 2021, the proceeding began with the Appellants, introducing a revised Set of Plans, and Elevations. Mr. Robert Wood, Counsel for the Appellant, asserted that the changes to the variances were minor, and asked that the notice of application be waived under Section 45.18.1.1 of the Planning Act. I asked other Parties if they had an objection to the requested waiver of notice of application, and was advised that no Parties were in opposition to the requested waiver. Consequently, I ruled that Notice of Application was waived under Section 45.18.1.1, for reasons described in the Analysis, Findings and Reasons Section. Ms. Johanna Shapira, Counsel for Parties Kimsa and Guest, requested to be released from the remainder of the Proceeding, and stated that her clients agreed in principle to the Settlement. However, she stated that she would have to discuss the details of the proposed Settlement, and have the updated Plans and Elevations reviewed, before agreeing to the Settlement.

I heard evidence from four Expert Witnesses- Mr. Sean McGaffly, Mr. Bruce Bostock, Ms. Heather Drost, and Mr. David McKay. While Mr. McGaffly and Mr. McKay testified in the area of land use planning, Mr. Bostock provided evidence in the area of forestry, while Ms. Drost provided evidence in the area of Ecology and Natural Heritage. The highlights of their evidence are noted below:

The Subject Site is located in the southeast quadrant of the City of Toronto Neighbourhood known as The Beaches (No. 63), which generally encompasses the area north of Lake Ontario, south of the Kingston Road, east of Leslie Street and west of Nursewood Road and Victoria Park Avenue.

Mr. McGaffey was sworn in, and recognized as an Expert Witness in the area of land use planning. The Subject Site is located in the southeast quadrant of the City of Toronto Neighbourhood known as The Beaches (No. 63), which generally encompasses the area north of Lake Ontario, south of the Kingston Road, east of Leslie Street and west of Nursewood Road and Victoria Park Avenue.

This neighbourhood provides for a wide variety of land uses and includes a number of residential building types, including industrial uses between Lake Shore Boulevard East and Eastern Avenue to the east, municipal infrastructure such as water and sewage treatment facilities, local commercial uses such as those along Queen Street East, and a wide variety of residential uses including building types such as apartment buildings, single and semi-detached dwellings, and townhouses. The Subject Site is located along the public beachfront area (the “beachfront”) between Neville Park Boulevard and Munro e Park Avenue, one of three such ‘blocks’ that directly abut the beachfront between the R.C Harris Water Treatment Plant to the east and Balmy Beach Park to the west.

The Subject Site gains vehicular access by way of an existing easement across the northern portions of the adjacent properties of 434 and 438 Lake Front, and 2 Neville Park Boulevard- the easement appears to essentially function as a private laneway from Munro e Park Avenue. An existing detached garage is present on the northern portion of the Subject Site, partially occupying this easement area

Mr. McGaffey pointed out that the Subject Site was “unusual” because it does not have frontage on a public street or right of way and in essence presents its “front” to the public beachfront area. The grade is therefore calculated, in accordance with the City of Toronto’s methodology on this issues, by averaging the grade at the four corners of the property. The Subject Site is generally rectangular in shape, presenting a lot width of 18.29 metres to the beachfront area and a depth of 46.40 metres (east) to 46.62 metres (west), providing for a total lot area of 850.6 square metres. The Subject Site presents a wooden landscape wall/fence along the boundary of the public beachfront with a pedestrian access door.

According to Mr. McGaffey, his Study Area is bounded by the rear lot lines of properties, fronting the south side of Queen Street East on the North, the western limit of Nursewood Road on the east, public beachfront area on the South, and rear west lot lines of the properties fronting the west side of Silver Birch Avenue. The immediate context of the Site are those properties which face the beachfront between Munro Park Boulevard and Neville Park Boulevard. Mr. McGaffey defined the immediate context of the Site as the houses as those properties which face the beachfront between Munro Park Boulevard and Neville Park Boulevard.

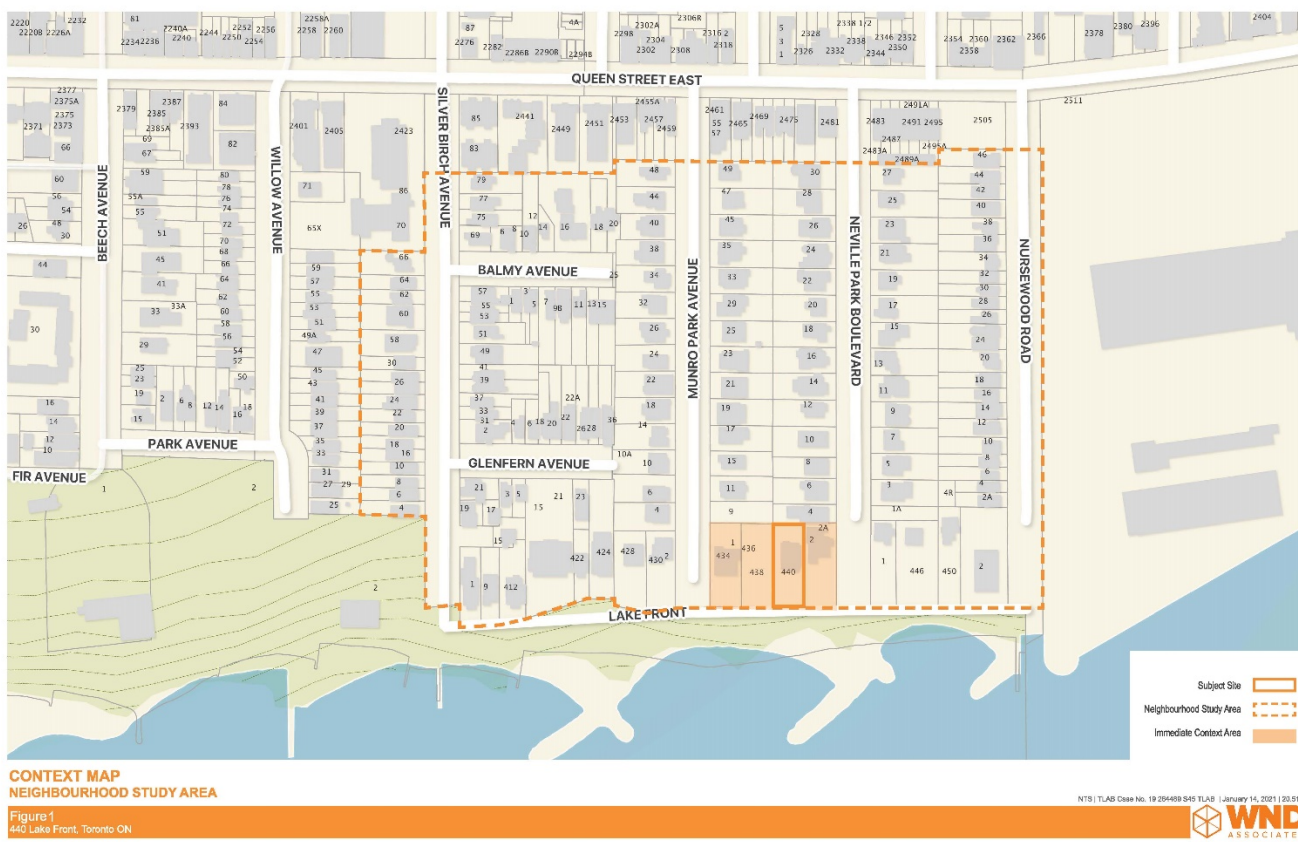


FIGURE 1- (GEOGRAPHIC NEIGHBOURHOOD APPEARS IN ORANGE DOTTED LINES AND THE IMMEDIATE NEIGHBOURHOOD IS SHADED ORANGE)

Mr. McGaffey described the proposal, and its variances, with specific reference to the height variance, which is a consequence of how grade is calculated on a property, that does not have frontage on a public street- the consequence of such a feature is that there is no identifiable front line of the property, from which height is traditionally measured. The Project Development is not subject to Site Plan Approval from the City of Toronto, nor will it require a Development Permit from the TRCA.

By way of an editorial comment, an Aerial view of the conceptual plan of the development appears in Figure 2 on the next page of this Decision.

He then spoke to how the proposal aligned with issues of Provincial Interest, and said that the proposed development had been reviewed by the TRCA, which is mandated to oversee hazard regulation, given the Site's proximity to the beach-front . He said that the TRCA found that the Proposed Development can be accommodated fully outside of

the hazard area, and have consequently indicated they have no objection. He said that the proposed development has appropriate regard for the promotion of sustainable development by providing for the creation of a modern, energy efficient residential building with appropriate soft landscaping and specific design considerations to ensure preservation of the adjacent public beach area, as well as the shoreline hazard area. He added that the proposed development provides for extensive landscaping, which transitions from the dwelling, down to the public beachfront area with extensive soft landscaping, including maintenance of the mature tree canopy along the eastern line



FIGURE 2- 440 LAKE FRONT- LANDSCAPE CONCEPT PLAN – BEACH VIEW

Mr. McGaffey then spoke to the relevance between the proposal, and the Provincial Policy Statement (PPS, 2020). He said that the proposal did not conflict with the policies of the (PPS, 2020) because it had appropriate building setbacks to mitigate the potential for negative impact to public safety, or the natural environment. The proposal anticipates and prepares for climate change, through the protection of natural features and areas, and by providing for development that is well setback from hazardous lands.

Based on this evidence, Mr. McGaffey concluded that the proposal is consistent with the Provincial Policy Statement (2020).

Speaking to the relationship between the proposal and the Growth Plan (2019), Mr. McGaffey said that the proposal conformed to the Growth Plan (2019) because it provided for replacement development, within the delineated built boundary of a Settlement area, by means of an appropriate setback from hazardous lands, and appropriate plans for a changing climate, through the use of shoreline building setback.

Mr. McGaffey addressed the relationship between the proposal and the City of Toronto's Official Plan (OP).

He noted that Chapter 2 of the OP advised that Neighbourhoods are generally "stable but not static", and "will not stay frozen in time". He advised that the proposed development is consistent with Policy 2.3.1 (1), through a careful design, such that the massing of the proposed replacement dwelling fits appropriately into its context, including the landscape character facing the beachfront. The building is consistent with other three and four storey buildings, found within the broader and immediate context areas of the Study Area.

Mr. McGaffey then spoke to the relationship between the proposed development, and Policy 3.1.2 (Built Form) of the OP. He noted that the introductory text to the Policy stated that *"For the most part, future development will be built on infill and redevelopment sites and will need to fit in, respecting and improving the character of the supporting area."*, before discussing how the façade had been designed to fit with, as well as enhance the character of the area facing the beachfront. He noted that the Subject Site is located along a publicly accessible beach area, and that the character along the beachfront is "not singular", but includes examples of four storey walk up apartments, large three- four storey homes with swimming pools, and exposed basements. He asserted that that the proposed development had "been carefully massed and designed, so as to not create any negative or adverse impacts to adjacent properties. He added that the development had employed specific design considerations to ensure the protection of a portion of the existing mature tree canopy, as well as

" limit views from the Subject Site into adjacent amenity areas". Mr. McGaffey emphasized that the elevation of the building was lower than the "table land" elevation of the adjacent property at 2 Neville Park Blvd., and that the proposed walkout basement, and terrace would be "slightly higher" than the neighbouring house at 2 Neville Park Boulevard.

Consequently, Mr. McGaffey concluded that the proposal maintained the general intent and purpose of Section 3.1.2 of the OP.

By way of an editorial note, the discussion of the proposal's ability to maintain the intent, and purpose of Policy 3.4 (Environmental Policies), of the OP, is discussed later in this proposal, in conjunction with the evidence of Ms. Drost, the Ecology and Natural Heritage Witness, and Mr. Bostock, the Forestry Witness, who testified on behalf of the Appellant.

Mr. McGaffey then spoke to how the proposal satisfied the intent and purpose of Policy 4.1.5 of the OP, and stated that Sections (c), (d), (e), (f) and (g) of this Policy were the relevant components, which applied to the proposal. He referred to the Canadian Geodetic Datum (Geodetic), and demonstrated that the proposed building would have a roof height, no more than 0.66 m higher than the existing building, and that this height was 0.5 m shorter than the existing building height of 4 Neville Park Blvd, and consequently “reinforced the prevailing heights, massing and scale”. He said that the proposal satisfied component (d) by virtue of replacing a detached dwelling, with another detached dwelling, “consistent with the prevailing building type”. The proposed development satisfies component (e) of Policy 4.1.5 of the OP, through the provision of a partially above-grade basement with an enclosed pool, which is a “continuation of a built form feature within the Immediate Context and along Lake Front, such as 438 Lake Front, which also provides for an outdoor unenclosed swimming pool.”

Mr. McGaffey then stated that the proposal satisfied components (f) and (g), because it maintained the existing north setback, and relief was required only for the south side setback for the proposed storage building; he pointed out that the proposal was compliant with respect to side yard setbacks. He also pointed out that the proposed development “generally aligned” with the adjacent dwelling at 438 Lake Front to present a consistent “street” front towards the public beach area. Mr. McGaffey said that the proposal satisfied Subsection (h) by being responsive to the unique physical character along the beachfront by maintaining the existing landscape, dominated by trees with significant foliage, along the beach front.

Given the above considerations, Mr. McGaffey concluded that the proposal satisfied the intent and purpose of the OP.)

Mr McGaffey next discussed how the proposal corresponded to the test respecting By-Law 569-2013. He said that the general intent and purpose of the Zoning By-law is to ensure compatibility between different land uses and minimize the potential for adverse negative impacts, through the application of regulations associated with matters such as building setbacks, density, and building height.

Mr. McGaffey recited the geodetic heights for the heights of the existing buildings at 438 Lake Front Drive, and 4 Neville Park, before comparing it to the height of the proposed building at the Site, through which he demonstrated that the heights mutually comparable. On the basis of this conclusion, he stated that the proposed height of the proposed building, would not cause any adverse impact on its neighbours. He stated that the performance standard for platforms on the exterior of the house, is to limit the potential for adverse impacts on the privacy of neighbouring dwellings, and explained how this had been achieved by the Appellant through the elimination of the previously proposed west facing balcony.

Mr. McGaffey explained how the unusual configuration of the house, where the proposed south yard staircase to the beachfront connects the main dwelling and storage building, results in the inclusion of all these components in the overall length

calculation of 25.48 metres of the length and exposed basement area . He added that the proposed building length for the dwelling “is compatible” with the immediate abutting context of the Subject Site, and had “been carefully refined” to limit and mitigate the potential for overlook into adjacent residential properties. As a result, he asserted, the “proposed building length will not create any undue or adverse shadows on any adjacent residential properties”.

Speaking to the FSI variance, Mr. McGaffey pointed out that the figure of 1.22 X Lot Size was the consequence of the inclusion of the floor area of the basement in the calculation of FSI. He also stated the more conventional way of calculating the FSI(without the basement) would have resulted in an FSI of 0.805, which is “within the range of the existing and approved buildings within the Neighbourhood Study Area.”. He asserted that the performance standard of the FSI is to limit the overall potential of a development to ‘max out’ the available area within regulated building setbacks, which was satisfied by the proposal, as a result of what he opined to be the “thoughtful design” of the proposal.

Explaining the complexities of applying the By-Law to lots that don’t front onto a public street, Mr. McGaffey said that the purpose of some of the variances was to address the unusual configuration of the Site. He also stated that for the same reason, a special variance had to be requested to regularize the existing vehicular access. He summarized these variances by stating that the requested relief, including those whose intent was to merely “regularize” the unusual configuration of the Site.

On the basis of the above discussion, Mr. McGaffey concluded that the variances satisfied the intent and purpose of the Zoning By-Law.

Mr. McGaffey next spoke to how the proposal satisfied the test of the appropriate use of the land. He reiterated that TRCA had not specifically raised any issues with the proposal, and that the proposal had been thoughtfully planned, so as to minimize impacts on the neighbouring properties. He asserted that the proposed development represented “appropriate reinvestment in an existing mature neighbourhood, with existing services and infrastructure”, and concluded that the proposal satisfied the test of appropriate use.

Addressing the test of minor, Mr. McGaffey discussed the importance of impact over numbers, and stated two “ important” that helped him conclude that the proposal satisfied the test of minor- namely, the lack of adverse impacts on neighbouring properties, such as shadows, overlook or privacy considerations, and secondly, the lack of destabilization in the community, if the proposal was approved.

Mr. McGaffey then discussed the proposed conditions, which required the Appellant to construct the proposal in substantial conformity with the submitted Plans and Elevations, and the submission of an Application for a Permit to injure, or remove privately owned trees, as per City of Toronto Municipal Code Chapter 813, Trees Article III Private Tree Protection.

There were no questions asked of Mr. McGaffey by the other Parties, upon the completion of his Examination-in-Chief.

The next Witness to testify was Mr. Bruce Bostock, a Certified Arborist, who was qualified to be an Expert Witness in the area of tree protection. Mr. Bostock provided evidence about how various trees on the Property would be dealt with, as part of the proposal.

He identified five trees, numbered #1 to #5 on **Figure 3, which appears later in this Section (Location of Trees discussed by the Tree Preservation Expert)** ,

Speaking to how **Tree # 1** (a Native Red Maple) would be protected, Mr. Bostock said that there is a small stone retaining wall surrounding the area, within which the tree is growing. Outside this area, and not less than 3.0 metres from the outside edge of the base of the tree, the existing lockstone driveway shall be covered with Steel Plate. The trunk of the tree shall have 8'0" high 2 X4's strapped to its East, West and South aspects.

He suggested no protection was necessary for **Tree #2** (a Black Oak) because it was the "Subject" of "an Application to Destroy", while **Tree #3** (another Native Red Maple) did not qualify for protection. In the case of **Tree#4** (another Black Oak), Mr. Bostock emphasized that an Application to injure this tree was required, and that a Certified Arborist be present "when holes needed to be dug". He advised that the following steps be taken to protect Tree #4:

A. Install, within the confines of # 440, 4 feet high plywood hoarding framed on 2x4 not less than 5.4 metres from the outside edge of the base of the tree except for a very small area 60 cm clear of the proposed dwelling, and except for an area 60 cm clear of the proposed terrace (Area of Protection).

B. All existing structures within the Area of Protection shall be removed, and if necessary replaced, using only hand tools and the Area of Protection shall then be covered with 8" of coarse wood chips overlaid with $\frac{3}{4}$ " exterior grade plywood to act as a working surface which also allows for scaffolding.

C. Any roots encountered during excavation for the proposed South West corner of the dwelling and the west edge of the terrace shall be correctly and cleanly cut by, or in the presence of an ISA Certified Arborist.

Mr. Bostock also stated that, Step B above be completed, immediately followed by Steo A above, prior to demolition and construction of the proposed dwelling. He added that "after construction activity on the Site is substantially complete, the proposed steps can be installed." He added that these steps shall be mounted on piers, the holes for which shall ne hand dug and located so as to avoid any significant roots. He emphasized that it was necessary for a Certified Arborist to be present when "holes were being dug up".

Mr. Bostock added that **Tree # 5** (a Red Oak) is fully protected by what will be the undisturbed portion of the Area of Protection for **Tree # 4** (a Black Oak) and that no steps had to be taken to protect Tree #5. . Lastly, Mr. Bostock stated that the owner acknowledged that the normal replacement requirement for the removal of a tree is three(3) large growing long-lived native shade trees and/or cash in lieu at \$ 583 per tree for any tree not planted. He added that a final landscaping plan is in the process of being designed, and will be presented to Urban Forestry as soon as possible.

There were no questions for Mr. Bostock from other Parties upon the completion of his Examination-in-chief.

By way of an editorial comment, Figure 3 provides a diagrammatic representation of the trees referred to in this discussion, and appears on the next page.

Decision of Toronto Local Appeal Body Panel Member: S. Gopikrishna
TLAB Case File Number: 19 264489 S45 19

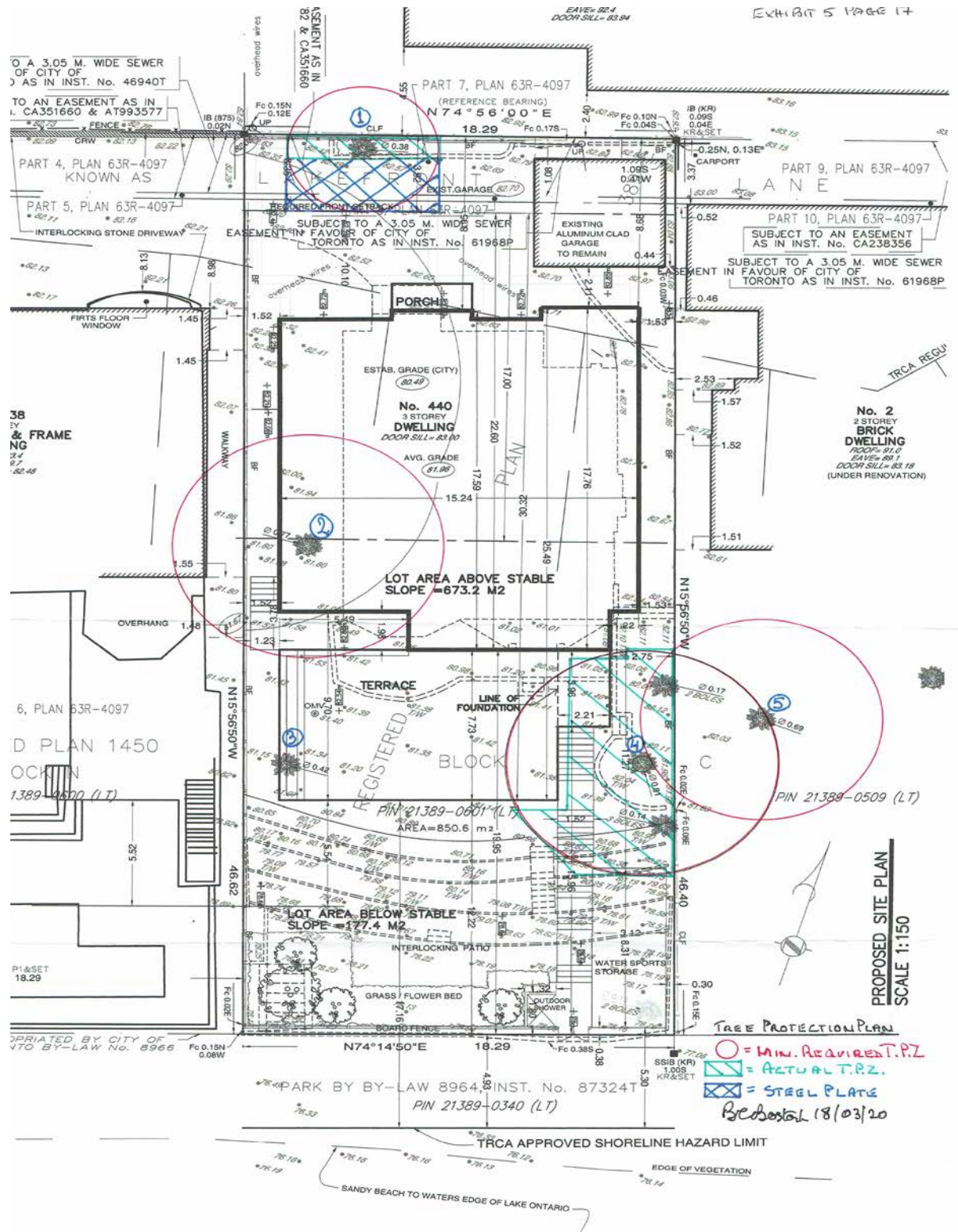


FIGURE 3 - LOCATION OF TREES DISCUSSED BY THE TREE PRESERVATION EXPERT

The next Witness to speak was Ms. Heather Drost, who was qualified as an Expert Witness in the area of Ecology, and preservation of Natural Heritage. By way of an editorial comment, I emphasize that this discussion corresponds to the relationship between the proposal, and the Natural Environment Policies (Policy 3.4) of the OP.

Ms. Drost discussed the relationship between the proposal and Chapter 3.4 of the OP, with a focus on the identification of specific features relevant to the City's *Natural Heritage Systems (NHS)*. Her review of the relevant Policies identified one and only one issue, namely the presence of "*beaches and bluffs*". After acknowledging that " "*bluffs*" are not defined in the OP, Ms. Drost stated that she would rely instead on the definition for "bluff" provided in the Ecological Land Classification (ELC) for Southern Ontario. The ELC defines bluffs to be "*ear shore areas with steep to vertical exposures of unconsolidated material > 2m high; subject to active disturbance from slumping, mass wasting and toe erosion*". Based on this perspective, Ms. Drost concluded that there are no features on the property at 440 Lake Front, which qualify as "*bluffs*".

She then applied the above conclusion to the Policies in Chapter 3.4 that relate to the need for an NHIS, namely Policies 3.4.13 and 3.4.14. Ms. Drost discussed Policy 3.4.13, which emphasizes the importance of an "Assessment of Compliance", and concluded that such an Assessment was unnecessary, because this was applicable only when bluffs were present. This was followed by a discussion of Policy 3.4.14, which outlined the features and functions within the NHS , that are sensitive to:

- Habitats of rare, threatened or endangered species and communities;
- Rare, high quality or unusual landforms;
- Habitats or communities of flora and fauna that are of large size. or have unusually high diversity; and
- Areas where an ecological function contributes appreciably to the healthy maintenance of a natural ecosystem beyond its boundaries.

After pointing out that the property did not lie in the vicinity of any of the areas highlighted on Map 12A of the OP, she concluded that Policy 3.4.14 did not apply to the Subject Property, and that as a consequence, no Assessment of Compliance was required.

Lastly, Ms. Drost discussed when a Natural Heritage Impact Study (NHIS) would be required, and demonstrated that the only possible connection was on the basis of the "*beaches and bluffs*" shown on Map 9 of the OP. After reiterating her earlier conclusion that there were no "*bluffs*" on the Site, Ms. Drost concluded that there was no requirement for the completion of an NHIS for the proposal to be approved. She pointed out the City had not made a request for an NHIS in its review, notwithstanding their ability to ask for such a Study. She concluded her evidence by pointing out that notwithstanding the TRCA's ability to request various studies to better understand the impact on Regulated Areas, they asked only for a Shoreline Natural Hazards Review, which had been completed by the Appellant, peer reviewed and accepted by the TRCA,

which had concluded that the “*the minor variances have no impact on TRCA’s policies and programs*”.

Based on this discussion, Ms. Drost concluded that the proposal would not have any unacceptable adversarial impact on the community, and the environment, and maintained the intent and purpose of the OP, as well as satisfied the tests of minor, and appropriate development. There were no questions asked of Ms. Drost by the other Parties.

The last Witness to speak was Mr. David McKay, the planner retained by the neighbours at 2 Neville Park Blvd., Mr. Brent Crawford, and Ms. Audrey Azad. Mr. McKay was recognized as an Expert Witness in the area of land use planning. He defined the Immediate Context as the area bounded by 1 Monroe Avenue to 2 Neville Park Blvd., and included properties such as 438 Lake Front, and 440 Front. Based on a photo tour of these properties, Mr. McKay highlighted the “unique nature of the community situated within the immediate context”. This included how the properties were seen to have four side yard lines, as opposed to the regular front and back yards, and two side yards, because the properties didn’t front onto a main street. He suggested that it would be appropriate to consider the southern front, facing the beach, to be the “front” of the property, for the purpose of planning discussions. Mr. McKay suggested that one of the proposed principles of development in this Immediate Neighbourhood, be the establishment of the lake front as the “front” of the house for planning discussions, including a recognition of the unique curvature of the beach (“angle,” according to Mr. McKay) from the southwest to the northeast direction.

Mr. McKay then presented a photo tour that concentrated on the “front” of the properties facing the beach (e.g. 422 and 424 Lake Front, 428 Lake Front, 2 Munro e Park Ave., 1 Munro e Park Avenue, 438 Lakefront and other properties on Lake Front), and illustrated how what was effectively the “front yard”, had lush foliage, and a significant tree presence that went all the way to the front of the property. He then suggested that there be a recognition of a “second principle of development” of the need to have such greenery in the front of the house, and linked it to components (g) and (f) of this Policy 4.1.5.

g)prevailing patterns of rear and side yard setbacks and landscaped open space;
h) continuation of special landscape or built-form features that contribute to the unique physical character of the geographic neighbourhood;

Mr. McKay asserted that the presence of trees, and foliage was effectively a “prevailing” feature of this community, and that planners had to give consideration to this feature.

The last principle suggested by Mr. McKay was the need to concentrate not so much on the numerical value of the FSI, but more on how adroitly it would be deployed, above the basement level, to result in a development, that would not result in unacceptable adverse impacts on the neighbours. He referred to features such as the uses of

fenestration, and sloping roofs on the houses, followed by a brief discussion of how the proposal at 440 Lake Front, achieved this objective.

There were no questions from other Parties to Mr. McKay upon the completion of his Examination-in-Chief.

I asked if the Participants if they wished to speak in opposition, or support of the proposal, since some had expressed a wish to speak, but got no response. I thanked the Parties for their participation in the proposal, and for working hard together to arrive at a Settlement. I provided the Parties time until February 15, 2021, to update the Plans, and Elevations, and submit them in conjunction with the updated recital of variances, and conditions to be imposed.

ANALYSIS, FINDINGS, REASONS

It is important that we note that the proposal, as submitted to the TLAB, is a Settlement, arrived at through the work of four different Parties, each of whom had access to legal counsel, and an Expert in the area of land use planning, as well as experts in tree protection, and environmental protection. I take this opportunity to congratulate all the Parties on their hard work, and patience, resulting in the Settlement presented to me.

It is important for me to discuss why further notice of application was waived at the beginning of the Hearing, as requested by Counsel for the Appellant. Under Section 45.18.1.1 of the Planning Act, the Tribunal has the power to waive notice, if the proposed changes for variances, are “minor”, when compared to what was originally requested. My decision to waive notice reflected the fact that none of the other Parties objected to the request of waiver of notice, and that all the Parties were informed of, and understood the impact of the proposed variances, as a result of the discussions spanning at least four days, before they agreed to settle amongst themselves.

I wish to reiterate that I was made aware that some registered Participants wanted to speak at the Hearing, notwithstanding the Settlement, and invited them to speak after the Expert Witnesses provided their evidence. However, I did not get any response from the Participants, who were presumably in the audience.

On the basis of the evidence given by Mr. Sean McGaffey, Expert Witness in the area of land use planning, I find that the proposal satisfies the test of maintaining the intent, and purpose of the Official Plan (OP). Mr. McGaffey's evidence established an immediate neighbourhood with a unique feature, namely other houses in the neighbourhood, which lacked a defined front yard, or a back yard, by virtue of the fact that they did not back onto a municipal street- in other words, the houses had four side yards. I found the evidence given to me focusing on calculation of grade to be useful, based on the average of the geodetic data of the four corners, and how this grade was used for the purpose of planning related decisions. The evidence with respect to

Sections 2.3.1, 3.1.2 (Building Form Policies), and 4.1.5 (Development Policies) helped demonstrate how the proposal had been designed to minimize the impact on the neighbouring properties, notwithstanding the ostensibly significant FSI, and the unusual layout of the building (requiring the basement to be included in FSI calculations).

The relevance between Chapter 3.4 of the OP, and the proposal was explained by way of evidence from Ms. Drost, who testified in the area of environmental protection, as well as Mr. Bostock, who testified in the area of tree protection. In the absence of a definition of the OP for a “bluff”, Ms. Drost used the definition found in the ELC “*ear shore areas with steep to vertical exposures of unconsolidated material > 2m high; subject to active disturbance from slumping, mass wasting and toe erosion*”. Given that her perspective was not contradicted, I find that the above definition may be used for planning related decision making with respect to a “bluff”. I am in agreement with Ms. Drost’s conclusion that neither an Assessment of Compliance, nor an Natural Heritage Impact Study (NHIS) is necessary for this project to proceed forward. Mr. Bostock’s testimony in the area of tree protection was educational, since the property has a number of full grown trees, included some which had been partially injured. The discussion of which trees had to be preserved, and how they would be preserved, was helpful in understanding the connection between the proposal, and Chapter 3.4 of the OP.

Based on these calculations, I conclude that the proposal maintains the intent and purpose of the Official Plan.

Mr. McGaffey established that the intent, and purpose of By-Law 569-2013, is “to ensure compatibility between different land uses and minimize the potential for adverse negative impacts, through the application of regulations associated with matters such as building setbacks, density, and building height”

His evidence established the performance standard for each variance, as well as how the variance satisfied the performance standard, without creating an adversarial impact on the neighbouring properties. I appreciate that there are two variances in the list of requested variances, whose intent is to permit development on a lot, with the unusual configuration of the lot, as well as facilitate vehicular access to the property- these variances will help preserve the existing ability to build on this site, in addition to provision of vehicular access. On the basis of this evidence, I find that the evidence demonstrated that the intent and purpose of the Zoning By-Law 569-2013 is satisfied.

The evidence demonstrated that notwithstanding what comes across as a formidable presence in the neighbourhood, the proposed dwelling does not have any unacceptable negative impact on its neighbours, and consequently satisfies the test of minor. While the proposal results in the development of a house with a significant size, and a significant presence when, it is not unlike many of its neighbouring dwellings. The ability to minimize adversarial impact on the neighbouring properties, helps the property to satisfy the test of appropriate development. On the basis of this evidence, I find that the proposal satisfies the test of appropriate development.

While some of the variances (e.g FSI) may be numerically significant, the evidence helped in comprehending the causes behind the FSI, such as the inclusion of the basement in FSI calculations. The fact that the Parties arrived at a Settlement on the advice of numerous planners, and the lack of evidence to the contrary, convinces me that there are no unacceptable adversarial impacts caused by the development, on the basis of which I find that the test of minor has been satisfied.

The suggested conditions are acceptable in that they require the Appellant to build in substantial conformity with the updated Plans and Elevations submitted to the TLAB on February 15, 2021, soft landscaping and include standard conditions about applying for a Permit to the City of Toronto to remove an injured Tree. The details of the Conditions reflect advice received from the Appellant, and are recited in Paragraph 4 of the Final Decision and Order Section of this Decision

I also observe that the evidence provided at the Hearing did not contradict settled law that there is no absolute right to a view in the Province of Ontario. The importance of this observations arises from the numerous objections to the proposal, before the Settlement, as a result of concerns about the impact of how the proposed development on an unimpeded view of the beach front, and Lake Ontario.

Lastly, I would like to discuss the theory propounded by Mr. McKay in his evidence, about establishing principles to guide development in the immediate vicinity of the Site, given the unusual context. He suggested that there be a recognition of three principles to be followed to determine how “appropriate development” would manifest itself in the context of the immediate neighbourhood. Having noted that both planners who gave evidence about the proposal are in agreement about what constituted the immediate neighbourhood, the principles may be stated as

- a) The beach front be recognized as the front of the properties in the Immediate neighbourhood, for planning and development purposes,, and the alignment of the front of the properties with respect to each other be average to determine developmental solutions
- b) That any contemplated development in this area , invest significant effort into preservation of the foliage, vegetation, and the lush greenery, in the” front” of the houses in the immediate neighbourhood.
- c) That the FSI, irrespective of its magnitude, be deployed adroitly, through the use of appropriate fenestration, sloping roofs, and other features, such that the impact on neighbouring properties is minimized, and that there be no unacceptable adverse impact on neighbouring houses.

The first principle put forward reflects a practical approach to planning in this neighbourhood, given that the houses don’t front onto a municipal street. The lake-front effectively becomes the front of the house, since that is what is visible from the public

realm. Given the unusual alignment of properties in this neighbourhood, which follow the curvature of the lake front, and the relative alignment of the properties with respect to each other, averaging them for planning calculation purposes seems a fair method of dealing with the unusual configuration of the properties

The second principle of focusing on the greenery in this neighbourhood is important, given how the beauty of the community is enhanced by the vertiginous “front yards” of the houses. I believe that every effort should be made to preserve, and propagate where possible, the verdure of the front yards in the immediate neighbourhood. The only observation that I make is that this recommendation may be consistent with Policy 4.1.5 (h) of the OP, which discusses the preservation of natural features. I am not convinced that the recommendation aligns well with Policy 4.1.5(g) of the OP, which focuses on the preservation of side yards, and back yards, given that the earlier principle established the front yard, including the greenery in question, as that which faces the lake.

Lastly, the third principle asks that irrespective of the magnitude of the proposed FSI, the latter be deployed so as to minimize the impact on its neighbours. Features such as the use of appropriate fenestration, or sloping roofs were given as examples. I commend this principle because it resonates with the test for determination of minor under Section 45.1 of the Planning Act. However, I also note that there was no discussion at this Hearing about how the idea of concentrating on the deployment of the FSI, rather than its magnitude, is consistent with the findings of the Ontario Superior Court in the matter of ***Vincent vs. DeGasperis Decision*** (**[2005] O.J..No. 2890**). While I will not making a finding that the deployment of the FSI is more important than its magnitude, I am in agreement with the principle of according adequate weight to the deployment of the FSI in the determination of optimal development in this neighbourhood.

Given the elegance and the relevance of the principles, I have no hesitation in commending them to planners and residents, for analysis purposes, for the purpose of development of the properties in the immediate neighbourhood.

Given my Decision in this Appeal, I herewith set aside the decision of the Committee of Adjustment respecting 440 Lake Front, dated December 4, 2019. I allow the Appeal in part, and impose conditions related to the need to build in substantial conformity with the submitted Plans, and Elevations, prepared by Lorne Rose Architect and the landscape plan dated February 12, 2021 prepared by Tina McMullen Landscape Architect Inc., all as received by the Toronto Local Appeal Body on February 17, 2021, as well as soft landscaping, and the submission of an application to the City of Toronto for injuring a tree. The details of the Conditions are recited in Paragraph 4 of the Decision and Order below.

DECISION AND ORDER

1. The Appeal is allowed in part,. And the decision of the Committee of Adjustment respecting 440 Lake Front, dated December 4, 2019 , is set aside.

2. The following variances are approved:

1. Chapter 10.5.100.1 (2) By-Law 569-2013 – Driveway Width Other than Through the Front Yard for Certain Residential Building Types

- b. For a detached house, semi-detached house, or duplex, and for an individual townhouse dwelling unit if an individual private driveway leads directly to the dwelling unit, a driveway that is not located in or does not pass through the front yard may be a maximum of 5.2 metres wide. The proposed driveway has a width of **11.01** metres.

2. Chapter 10.20.40.40 (1), By-Law 569-2013 – Floor Space Index

- c. The permitted maximum floor space index is 0.6 times the area of the lot: 510.36 square metres. The proposed floor space index is 1.157 times the area of the lot: 984.3 square metres (including the area of the basement).

3. Chapter 10.20.40.50 (1) (A) and (B) – By-Law 569-2013 Platforms at or Above the Second Storey of a Detached House

- d. The permitted maximum number of platforms at or above the second storey located on the side wall of a detached house is 1. The proposed number of platforms on the south side wall is 2.
- e. The permitted maximum area of each platform at or above the second storey of a detached house is 4.0 square metres. The proposed area of the 3rd floor platform is 6.20 square metres and the 4th floor platform is 17.4 square metres.

4. Chapter 10.20.40.70. (3), By-Law 569-2013 – Minimum Side Yard Setback

- f. The required minimum side yard setback ~~is~~ 0.9 metres where the required minimum lot frontage is 6.0 metres to less than 12.0 metres.
 - i. The proposed east side yard setback **for the water sports storage building** is 0.6 metres
 - ii. The proposed west side yard setback **for the attached garage** is 0.6 metres
 - iii. The proposed north side yard setback **for the attached garage roof structure** is **0.56** metres
 - iv. The proposed south side yard setback **for the water sports storage building** is 0.38 metres.

5. Chapter 10.5.40.60 (3) (A) (i) and (iii), By-Law 569-2013 – Exterior Stairs, Access Ramp and Elevating Device

- g. Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no longer than 1.5 horizontal unit for each 1.0 vertical unit above grade at the point where the stairs meet the building or structure. The proposed west stairs are 1.85 horizontal units for each 1.0 vertical unit above grade at the point where the stairs meet the building or structure.
- h. Exterior stairs providing pedestrian access to a building or structure may encroach into a required building setback if the stairs are no closer to a lot line than 0.6 metres. The proposed stairs are 0.3 metres from the west lot line.

6. Chapter 10.5.80.40 (3) By-Law 569-2013 – Parking Space Access on a Lot

- i. Vehicle access to a parking space on a lot must be provided from a street or lane. The proposed access is not from a street or lane.

7. Chapter 10.200.30.20 (1), By-Law 569-2013 – Minimum Lot Frontage

- j. The required minimum lot frontage is 10.5 metres. The existing lot does not have frontage on a municipal a street.

8. Chapter 10.20.40.10 (1), By-Law 569-2013 – Maximum Height

- k. The permitted maximum height of a building or structure is 12.0 metres. The proposed height of the building is 13.47 metres.

9. Chapter 5.10.30.1 (1), By-Law 569-2013 – Availability of Services

- l. No land may be used and no building or structure may be erected or used on the land unless the land abuts an existing street, or is connected to an existing street by a street or streets, constructed to a minimum base curb and base asphalt or concrete. The proposed use is on land that does not abut a street.

10. Chapter 5.10.30.1 (2) By-Law 569-2013 – Fronting on a Street

- m. A building or structure may not be erected or used on any lot that does not abut a street. The proposed building or structure is on land that does not abut a street.

3. No other variances are approved.

4. The following conditions are imposed on the approval of the variances:

Condition 1:

The new dwelling and water sports storage building shall be constructed substantially in accordance with the plans, elevations and site statistics (19 pages)

dated February 5, 2021 prepared by Lorne Rose Architect and the landscape plan dated February 12, 2021 prepared by Tina McMullen Landscape Architect Inc., all as received by the Toronto Local Appeal Body on February 16, 2021

Specifically, the FSI for the new dwelling above an elevation of 83.0 m ASL (the ground floor level) shall not exceed 0.76 FSI for the Ground, Second, and Third Floors, or 0.77 FSI if at least 0.01 FSI is attributable to the above ground portion of the garage.

In addition, the south main walls of the new dwelling (exclusive of the water sports storage building) above an elevation of 83.0 m ASL (the ground floor level) shall have minimum setbacks from the south (beachfront) lot line as shown in the architectural plans dated February 5, 2021 prepared by Lorne Rose Architect.

Condition 2:

Prior to the issuance of a demolition and/or building permit, the applicant shall satisfy all matters relating to privately owned trees, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, including submission of a complete application for a permit to injure or remove a privately owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article III Private Tree Protection.

Condition 3:

Soft landscaping shall be provided in an amount not less than 60% of the yard area south of the south wall of the extended basement. A green roof shall be provided on the roof of the Water Sports Storage building, which shall cover at least 90% of the roof surface.

Condition 4:

Preserve Tree 3 (Red Maple) and Tree 4 (Black Oak) during and after construction of all works on the property in accordance with the following measures:

Tree 3 (Red Maple)

TMLA Sheet Number L-1.0 (rev. 02/12/2021) incorporates a Tree Preservation Zone (TPZ) of 3.0m from the base of the tree, representing the minimum standard per Toronto standards for construction near trees. The following mitigation measures are recommended for preservation of Tree 3:

- Erect vertical solid wood hoarding (per Toronto fencing Detail TP-1) at 2.75m from base of tree in north (towards proposed house), east (towards new wall adjacent to proposed lawn) and south (towards new wall and lake) directions.
- Area within TPZ represents a no disturbance of any kind for duration of construction project until final landscaping.
- Utilize **Air-spade** technology to excavate soil outside of erected vertical preservation hoarding on 3 sides (north, east and south) to expose roots of tree

in a 6" wide trench to a depth of 1m. Air-spade excavation operation to be supervised by a Certified Arborist.

- Tally extent of roots and prune roots in excavated 6" wide trench, back fill with fresh loam soil. Tally and pruning to be performed by a Certified Arborist.
- Construction (affecting grades) is permitted up the establish vertical hoarding (TPZ fencing), including foundation of basement and upper terrace, retaining wall on east and south sides of tree for lawn area and proposed new tree planter box.
- Planting (material not specified on landscape plan) of any kind is not recommended within the TPZ post construction. It is strongly recommended to increase the vitality of the tree (better option of final covering within the TPZ):
 - amend soil with 4" of bio-complete composted manure and top dress with 2-3" layer of wood chip mulch. Manure to provide organic matter input to soil for future mineral nutrition and mulch to aid in moisture retention.
 - Inject fungal dominant based Compost Tea in the soil through above two amendments to a depth of 8" in grid fashion to jump start process of enriching the soil with micro-organisms that will feed off the manure (organic matter) input to assist tree in uptake of inorganic nutrients to increase vigour (vitality) of tree.

Tree 4 (Black Oak)

- Install horizontal hoarding in area between existing retaining wall and proposed new wall (east wall of "Retained Planter") within mTPZ of tree (5.4m radius horizontal distance from base of tree) to prevent soil compaction and protect any roots that may reside in this area:
 - 200mm of course wood chips with 2 layers of ¾" plywood on top, offsetting edges of the 4'x8' sheets of plywood.
 - Horizontal hoarding to remain in place for duration of construction phase.
- The existing retaining wall to be left intact as is and reinforced from the outside of wall:
 - The outside facade can be altered for structural and aesthetic reasons but only on the top surface and outside (west) side of the wall.
 - The inside of the wall (east side) where the majority of roots of the tree will be encountered can not be altered in any way, shape or form, so the roots are not disturbed (injured).
 - The existing steps that come down from the existing wall to the lower lawn area can be removed but only by hand. The proposed new section of wall commencing from the junction of the old wall may be constructed new northward to meet the cantilevered section of Upper Terrace. The area behind the new wall where the steps used to be will represent new root area for the tree to expand it's root zone. Fresh loam soil mixed with 15%

bio-complete composted manure is recommended, top-dressed with 4" of same composted manure and 2-3" of wood chip mulch.

- Construction of the "Retained Planter" east wall, which is proposed to support the cantilevered steps and walkway from the upper terrace to the lower terrace:
 - Utilize Air-spade technology to excavate soil in 6" wide trench to depth of 1m outside of proposed construction limit of proposed east structural wall of Retained Planter. Operation to supervised by a Certified Arborist.
 - Prune roots encountered inside trench. Work to be completed by a Certified Arborist.
 - Fill in trench with fresh loam soil.
 - Construct wall as required, outside the excavated trench in westerly direction.
- To increase the vitality of the tree, the following measures are recommended to be implemented in the TPZ above and below the existing retaining wall:
 - Amend soil (top dress) with 4" of bio-complete composted manure and then 2-3" layer of wood chip mulch. Manure to provide organic matter input to soil for future mineral nutrition and mulch to aid in moisture retention.
 - Inject fungal dominant Compost Tea in the soil through above two amendments to a depth of 8" in grid fashion to jump start process of enriching the soil with micro-organisms that will feed off the manure (organic matter) input to assist tree in uptake of inorganic nutrients to increase vigour (vitality) of tree.
- Cantilevered portion of Upper Terrace area over (within) TPZ:
 - It is recommended to utilize permeable surfaces for this portion of the Upper Terrace area to allow for infiltration of water to the root zone of this tree in the northwest portion of its TPZ.

So orders the Toronto Local Appeal Body.




S. Gopikrishna
Panel Chair, Toronto Local Appeal Body

STATISTICS ARE FOR GENERAL INFORMATION ONLY AND SHOULD BE REVIEWED BY EXAMINER

440 LAKE FRONT
Toronto, Ontario
Project # 18-29

LEGAL DESCRIPTION: PLAN OF PART OF BLOCK C
REGISTERED PLAN 389-E

ZONING DESIGNATION : RD (F10.5, D 0.60) HT 12.0M

LOT AREA: 9 156 S.F. (850.6 M2)

| <u>GROSS FLOOR AREA:</u> | <u>PROPOSED</u> |
|--------------------------|-----------------------------|
| BASEMENT FLOOR AREA | 3 545.6 S.F. (329.4 s.m.) |
| GROUND FLOOR AREA | 2 748.1 S.F. (255.3 s.m.) |
| SECOND FLOOR AREA | 2 272 S.F. (211 s.m.) |
| THIRD FLOOR AREA | 2 030 S.F. (188.6 s.m.) |
| <hr/> | |
| TOTAL G.F.A. ON 4 LEVELS | 10 595.7 S.F. (984.3 s.m.) |

| <u>FLOOR SPACE INDEX:</u> | <u>MAXIMUM</u> | <u>PROPOSED</u> |
|---------------------------|----------------|-----------------------------|
| | | 10 595.7 S.F. (984.3 s.m.) |
| | 60 % | 115.7% |

| <u>GROSS FLOOR AREA:</u> | <u>PROPOSED</u> |
|--------------------------|----------------------------|
| GROUND FLOOR AREA | 2 748.1 S.F. (255.3 s.m.) |
| SECOND FLOOR AREA | 2 272 S.F. (211 s.m.) |
| THIRD FLOOR AREA | 2 030 S.F. (188.6 s.m.) |
| <hr/> | |
| TOTAL G.F.A. ON 3 LEVELS | 7 050.1 S.F. (654.9 s.m.) |

| <u>FLOOR SPACE INDEX:</u> | <u>MAXIMUM</u> | <u>PROPOSED</u> |
|---------------------------|----------------|----------------------------|
| | | 7 050.1 S.F. (654.9 s.m.) |
| | 60 % | 77% |

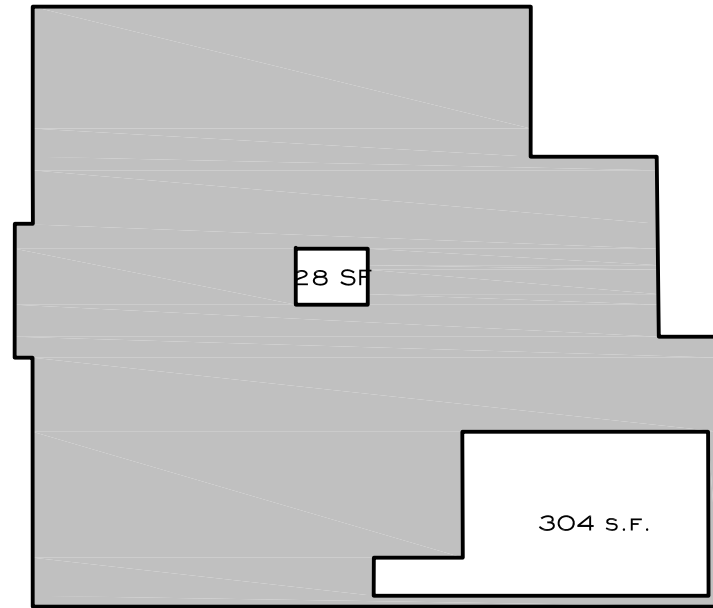
SITE STATISTICS



1829 - DESIGN 47 - TLAB - UPDATED PLANS
FEBRUARY 5, 2021

THE EDGE OF LAKE ONTARIO -

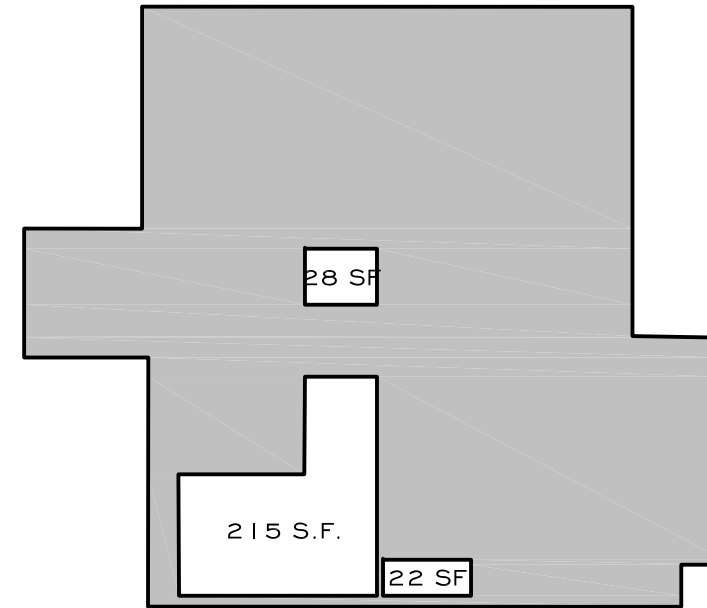
440 LAKE FRONT
Toronto, Ontario
Project # 18-29



SECOND FLOOR PLAN

SCALE: 1/16" = 1'-0"

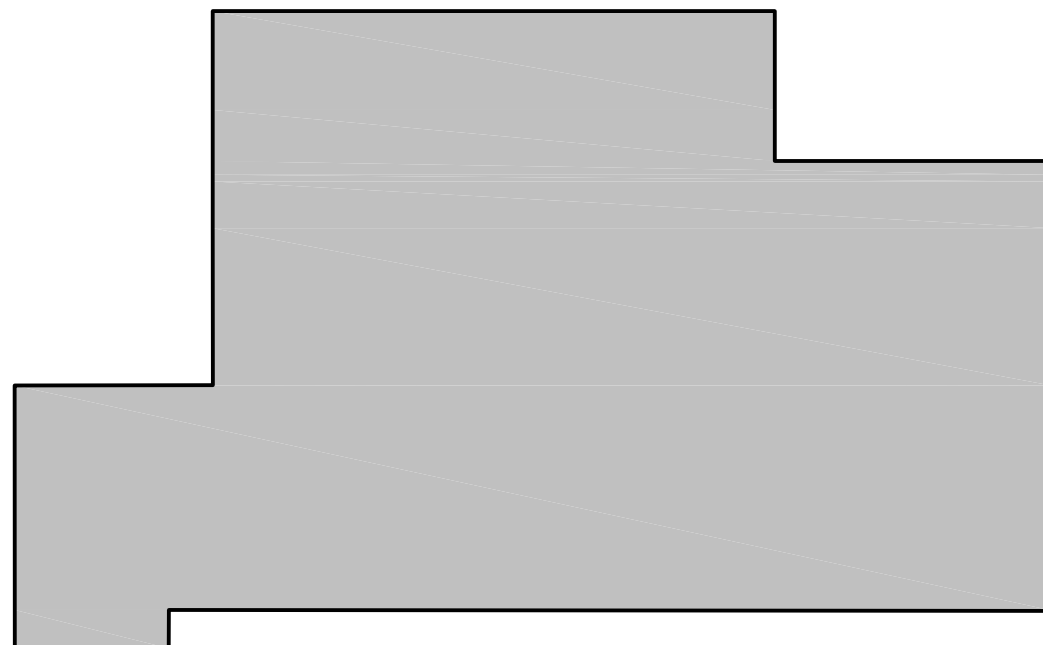
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THIRD FLOOR PLAN

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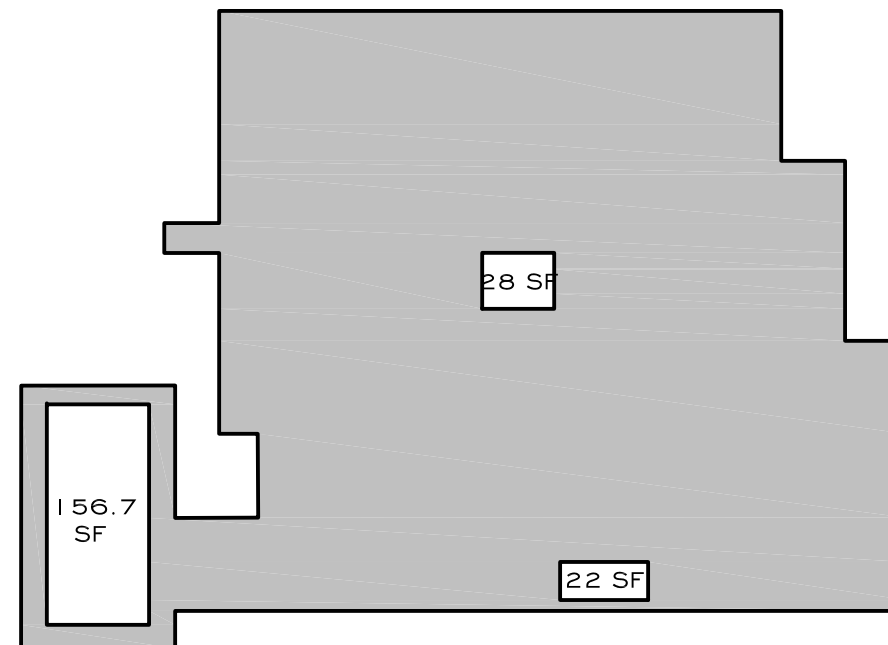
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BASEMENT FLOOR PLAN

SCALE: 1/16" = 1'-0"

GFA = 3 545.6 S.F.



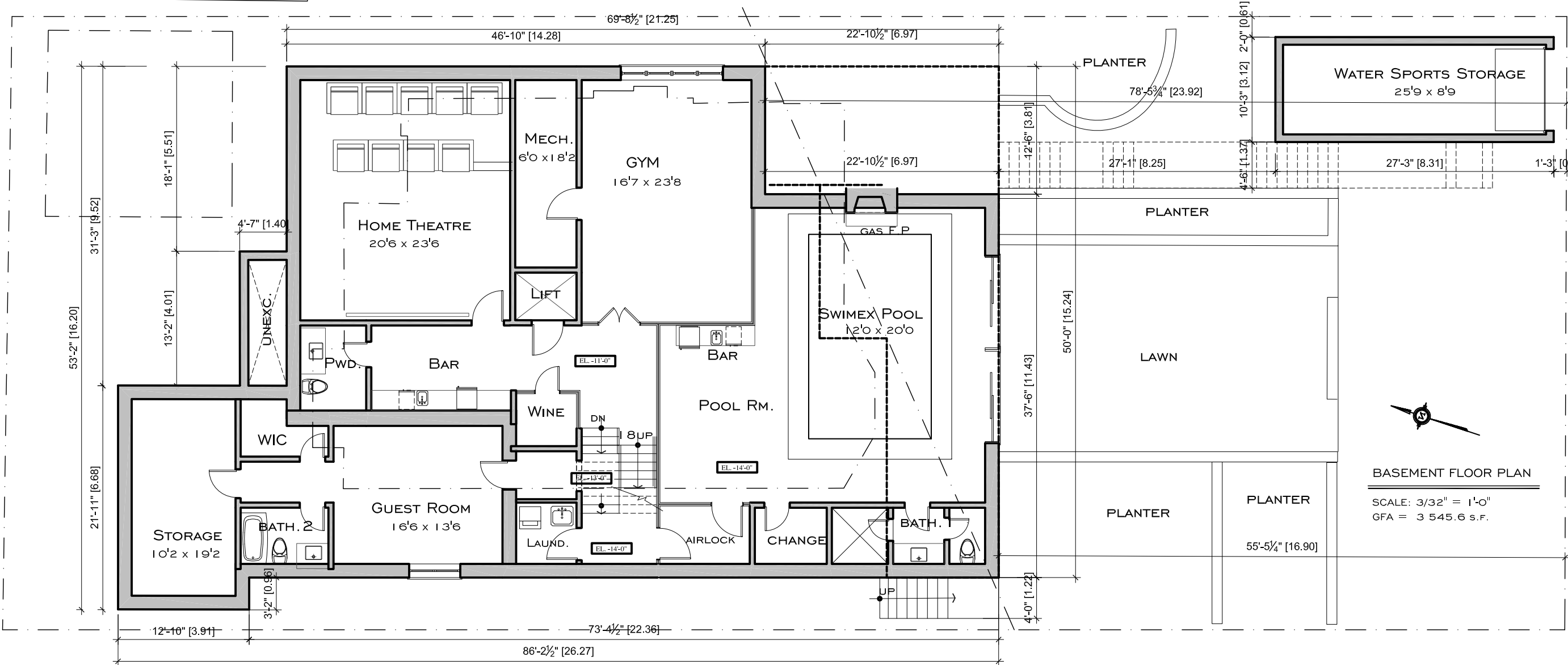
GROUND FLOOR PLAN

SCALE: 1/16" = 1'-0"

GFA = 2 748.1 S.F. (EXCLUDING 206.7 S.F.)



1829 - DESIGN 47 - TLAB - UPDATED PLANS
FEBRUARY 5, 2021

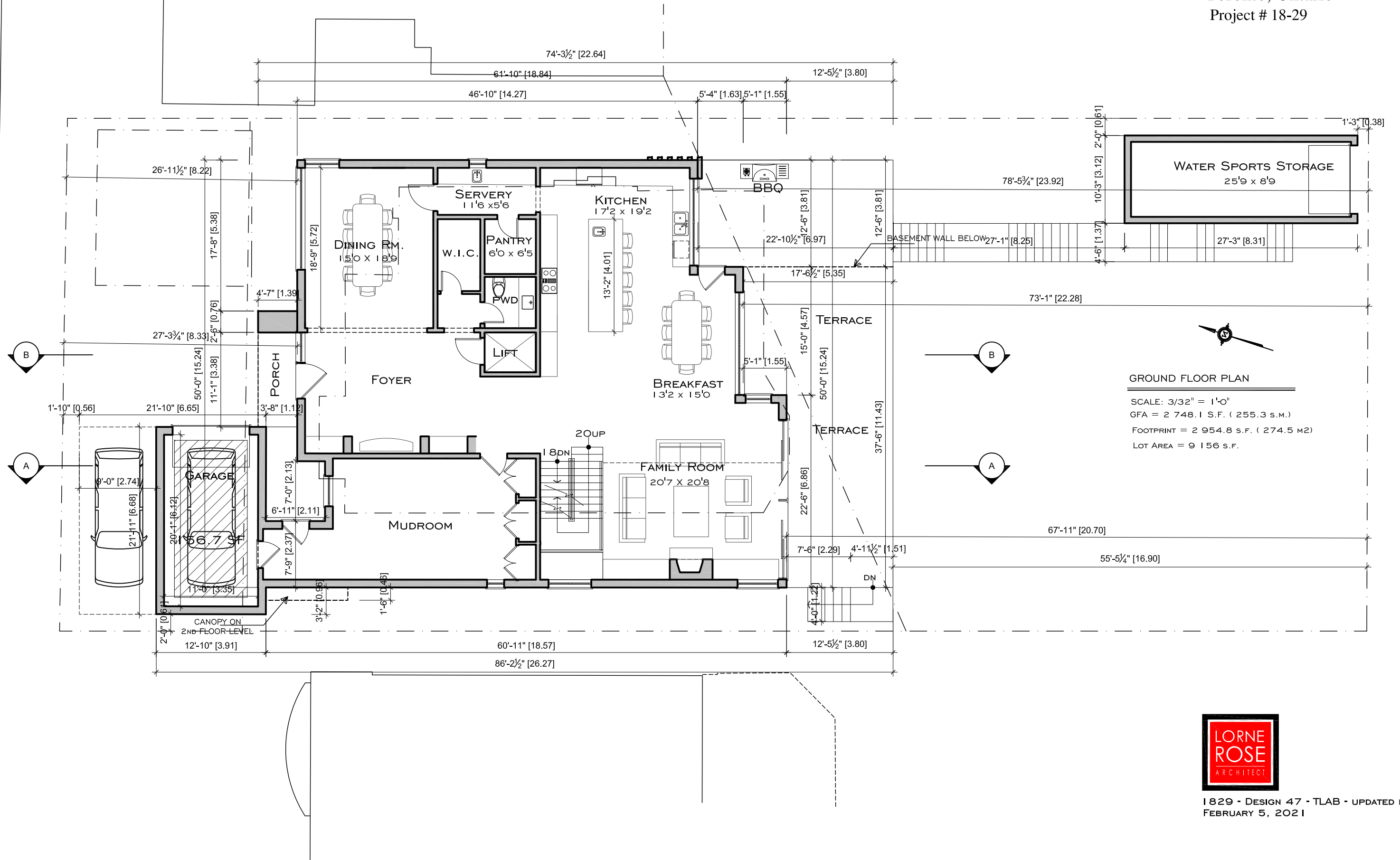


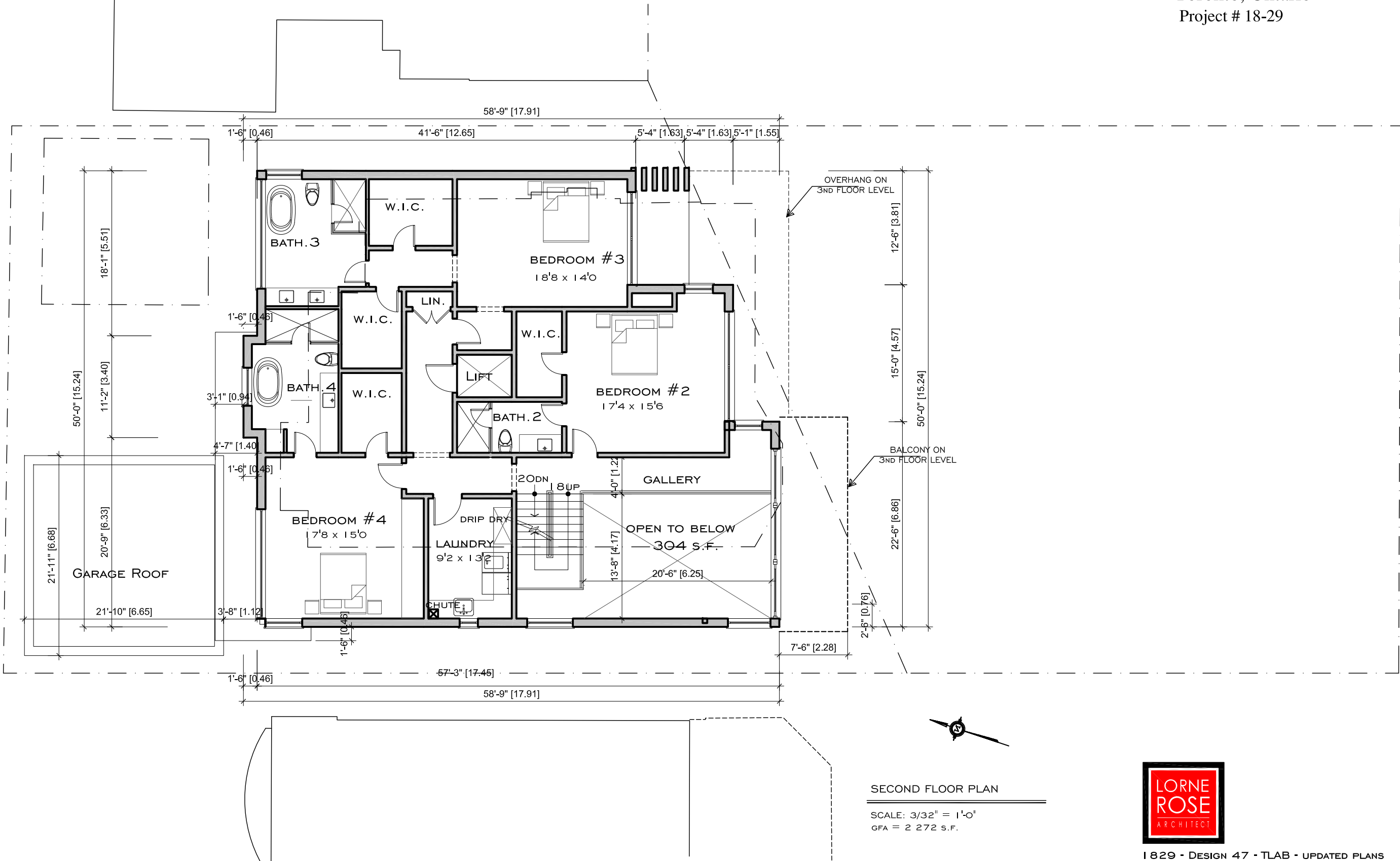
BASEMENT FLOOR PLAN

SCALE: 3/32" = 1'-0"
GFA = 3 545.6 S.F.



440 LAKE FRONT
Toronto, Ontario
Project # 18-29

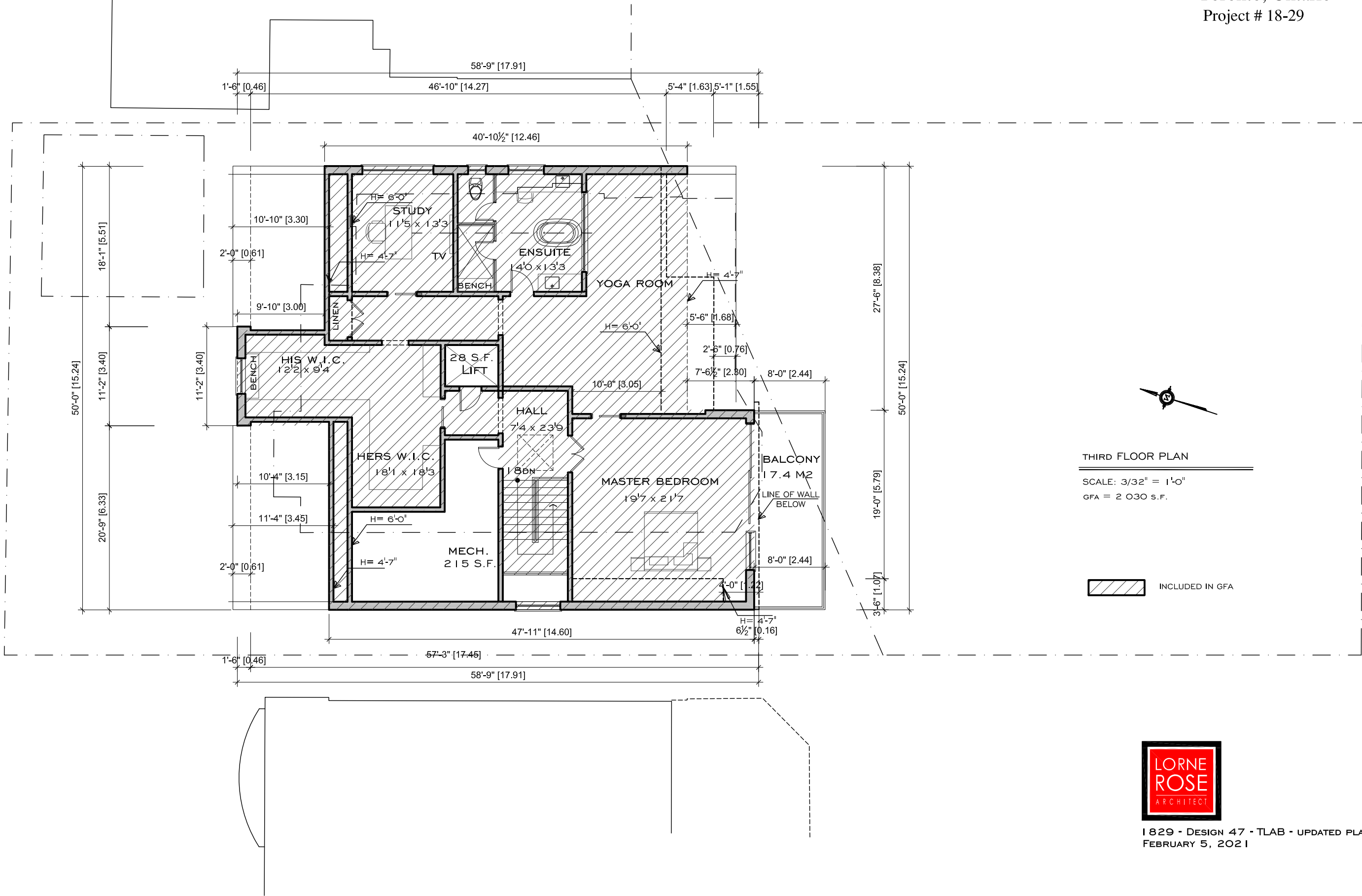


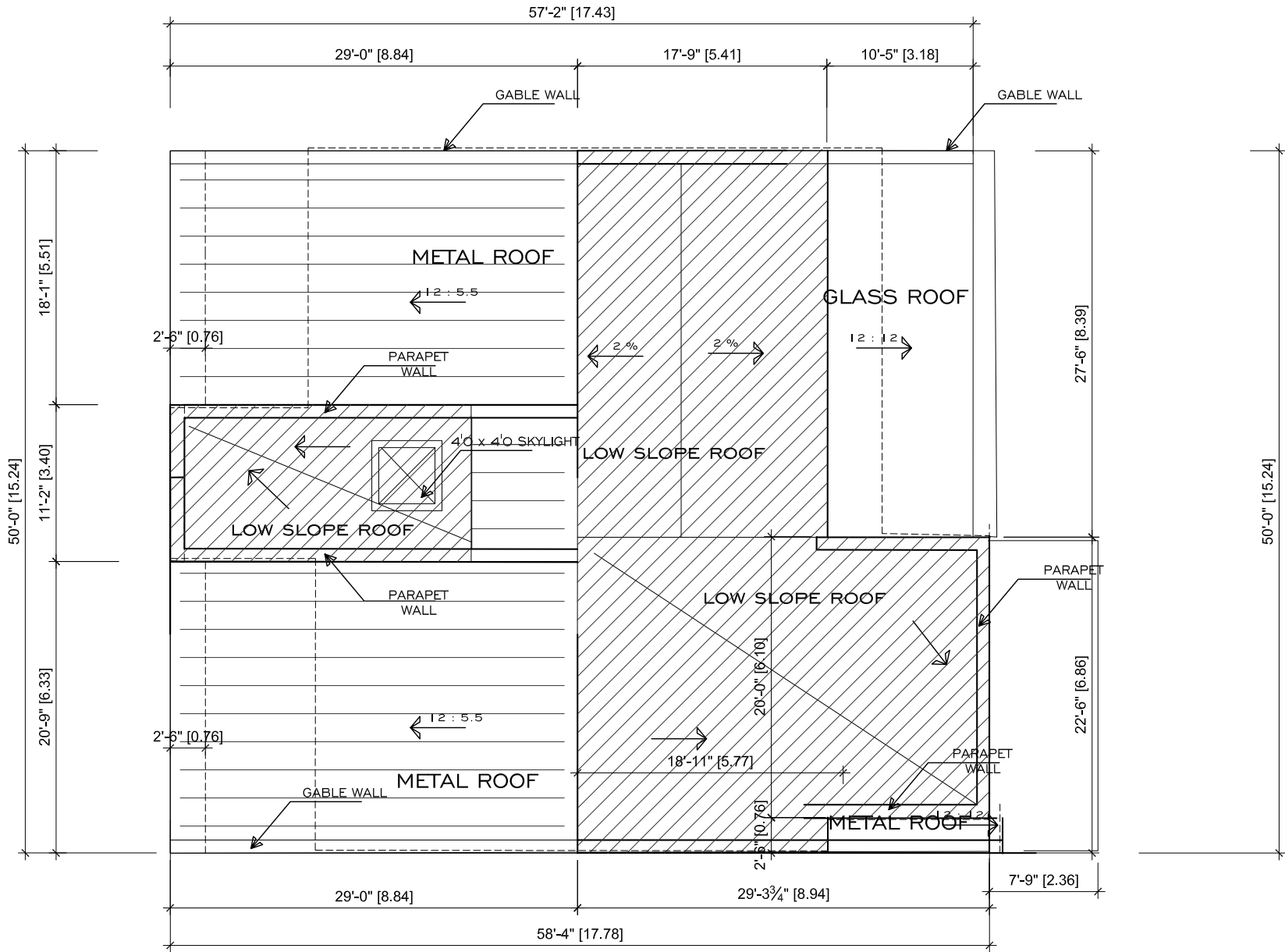


SECOND FLOOR PLAN

SCALE: 3/32" = 1'-0"
GFA = 2 272 S.F.





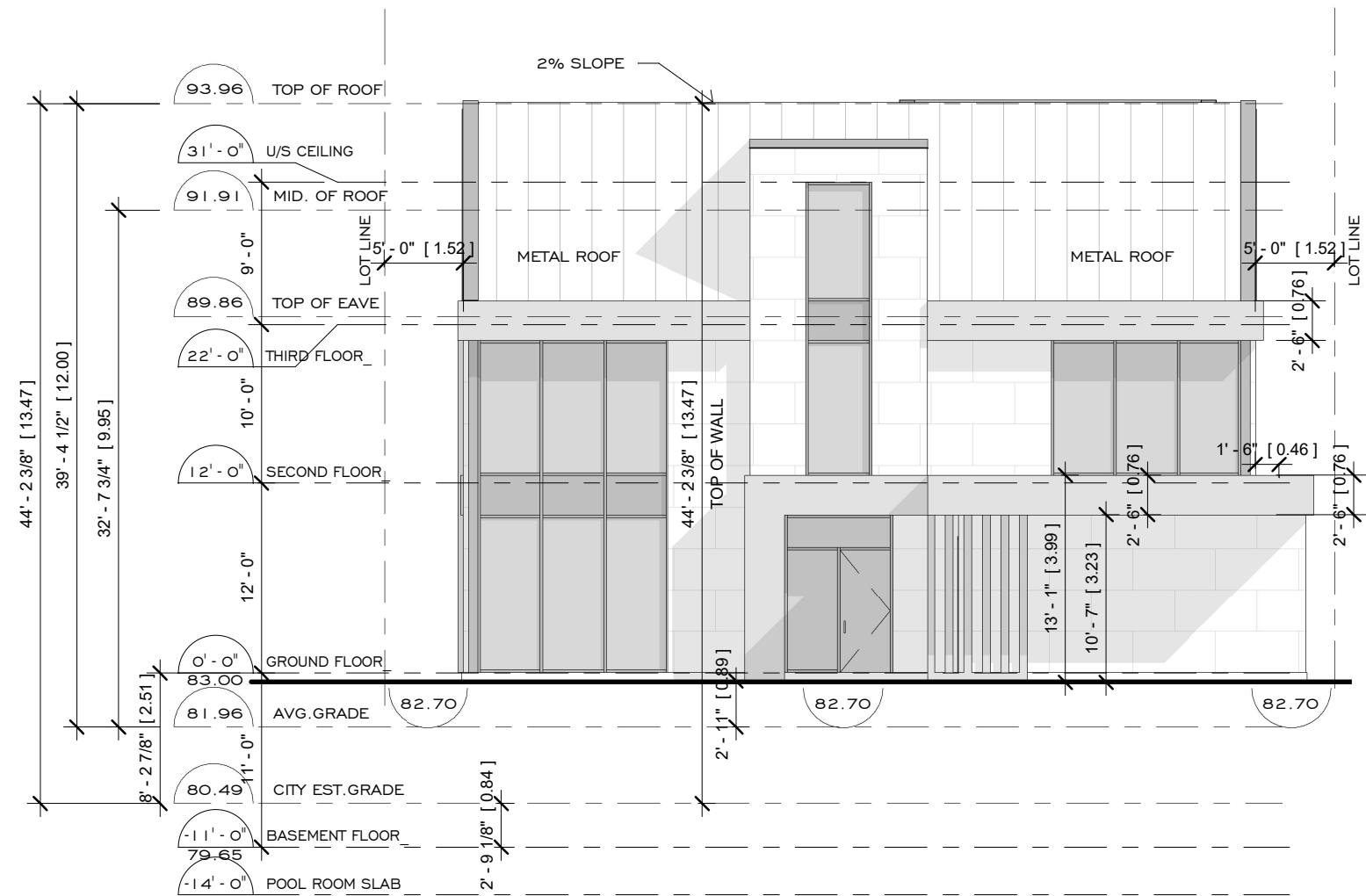


ROOF PLAN

SCALE: 3/32" = 1'-0"
ROOF AREA= 2 925 S.F.
LOW SLOPE ROOF AREA= 1 362.2 S.F.(46 %)

 LOW SLOPE ROOF



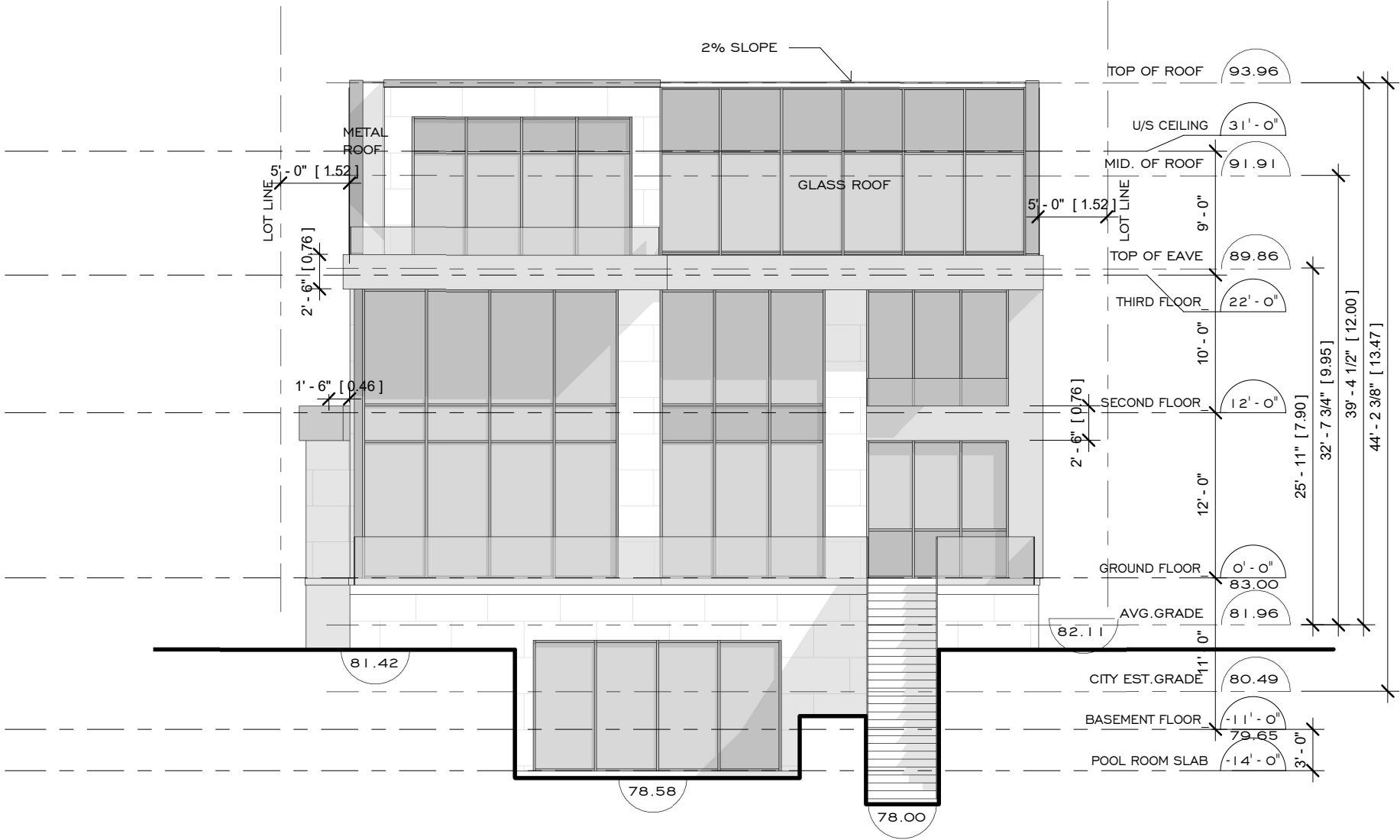


FRONT ELEVATION

SCALE: 3/32" = 1'-0"



1829 - DESIGN 47 - TLAB
FEB 05, 2021



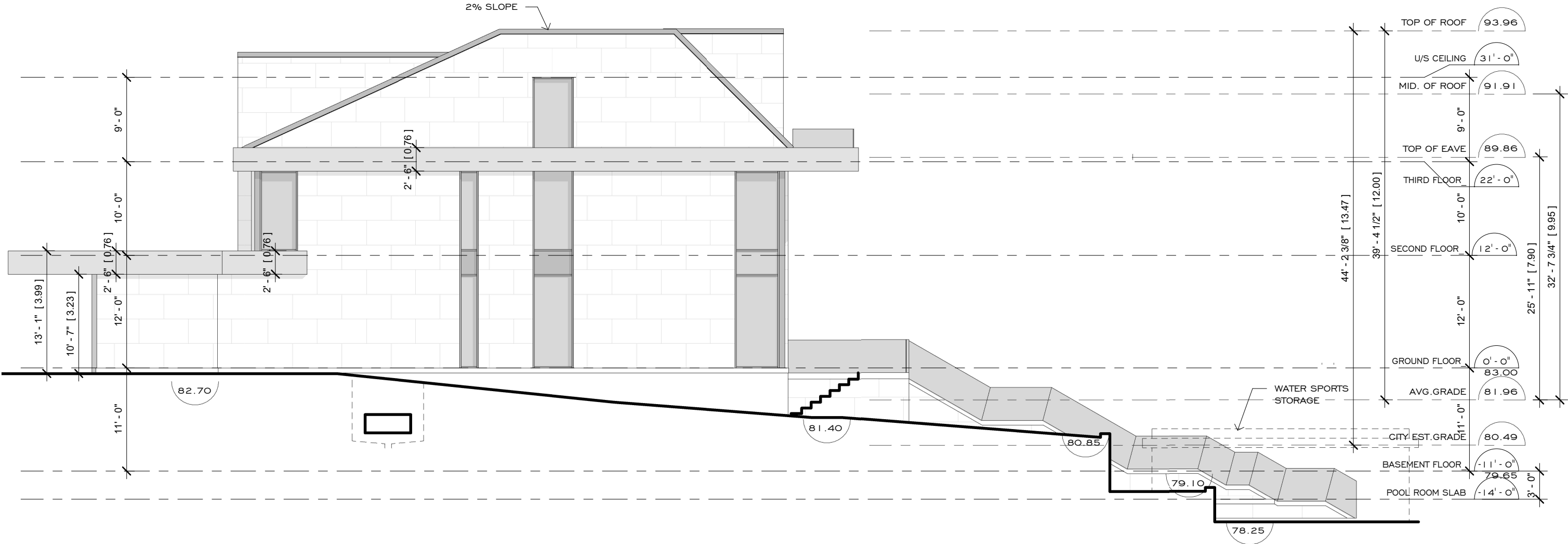
REAR ELEVATION

SCALE: 3/32" = 1'-0"



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FEB 05, 2021

440 LAKE FRONT
Toronto, Ontario



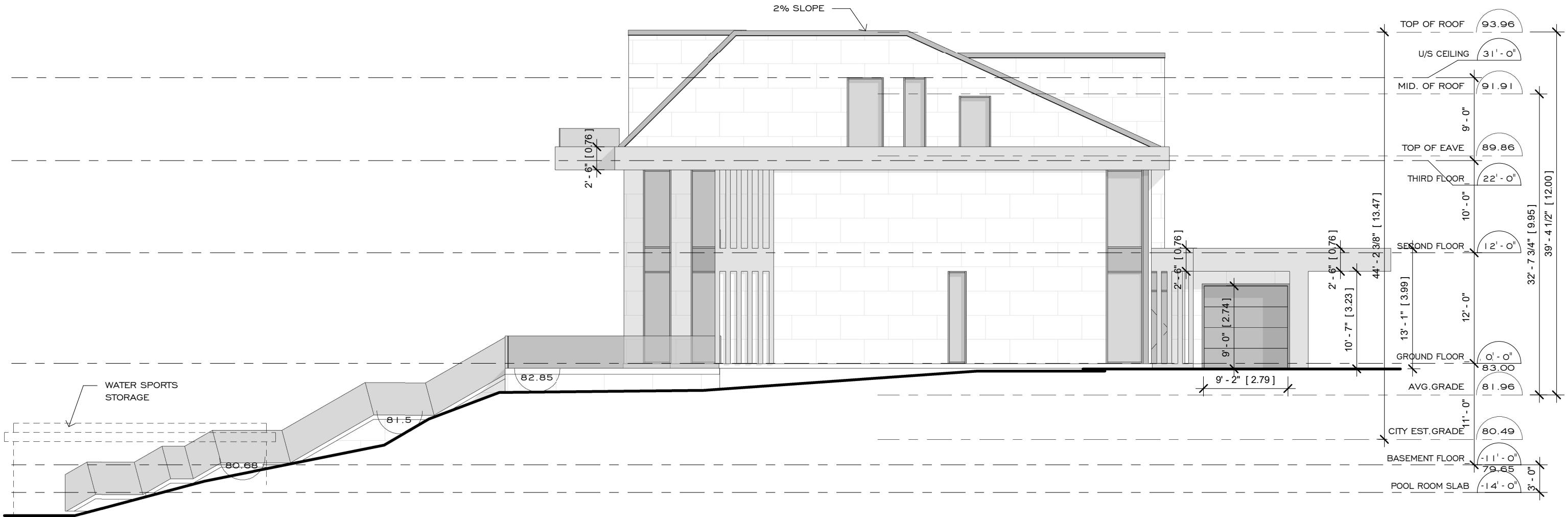
WEST ELEVATION

SCALE: 3/32" = 1' - 0"



1829 - DESIGN 47 - TLAB
FEB 05, 2021

440 LAKE FRONT
Toronto, Ontario



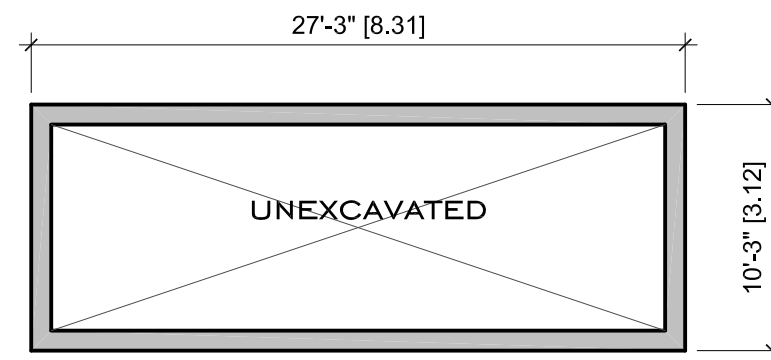
EAST ELEVATION

SCALE: 3/32" = 1'-0"



1829 - DESIGN 47 - TLAB
FEB 05, 2021

440 LAKE FRONT
Toronto, Ontario
Project # 18-29

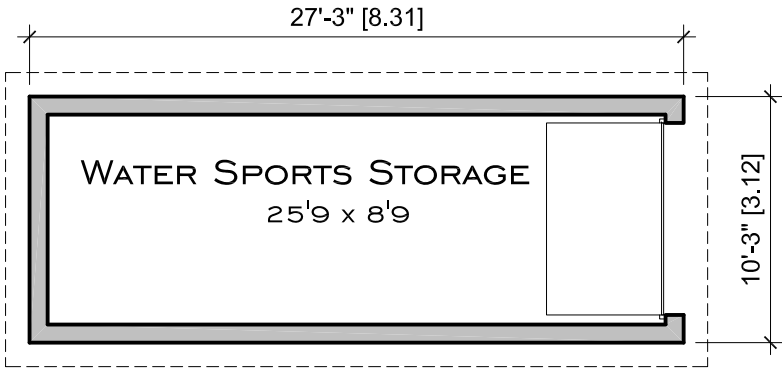


WATER SPORTS STORAGE BUILDING
FOUNDATION PLAN

SCALE: 1/8" = 1'-0"



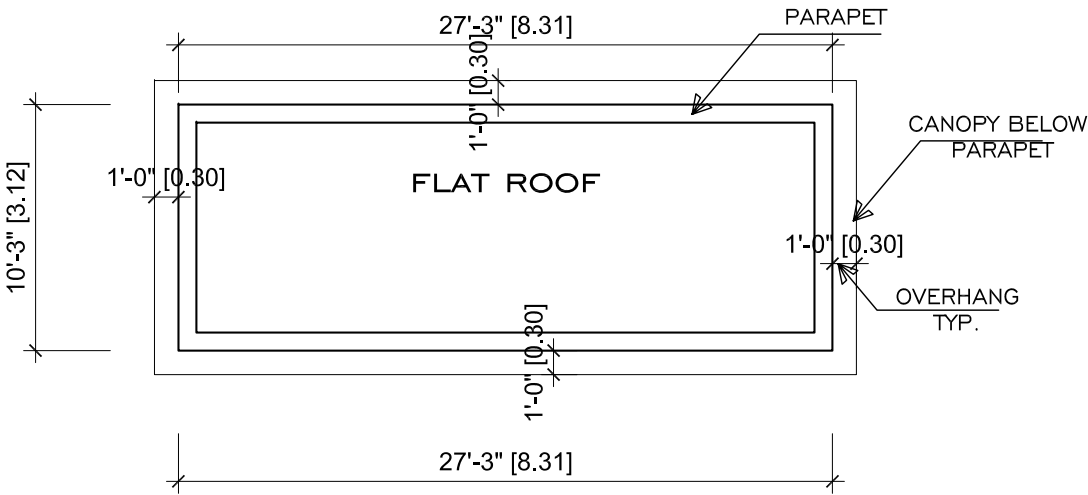
1829 - DESIGN 47 - TLAB - UPDATED PLANS
FEBRUARY 5, 2021



WATER SPORTS STORAGE BUILDING
GROUND FLOOR PLAN

SCALE: 1/8" = 1'-0"
GFA = 279 s.f.
FOOTPRINT = 279 s.f.



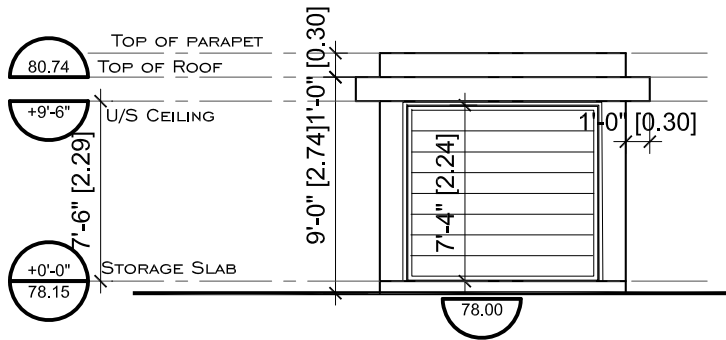


WATER SPORTS STORAGE BUILDING
ROOF PLAN

SCALE: 1/8" = 1'-0"



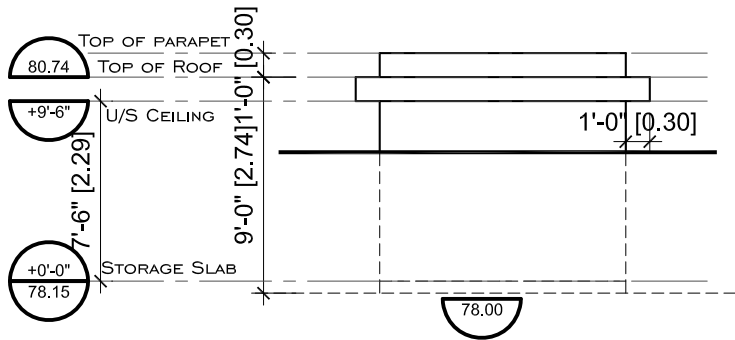
440 LAKE FRONT
Toronto, Ontario
Project # 18-29



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



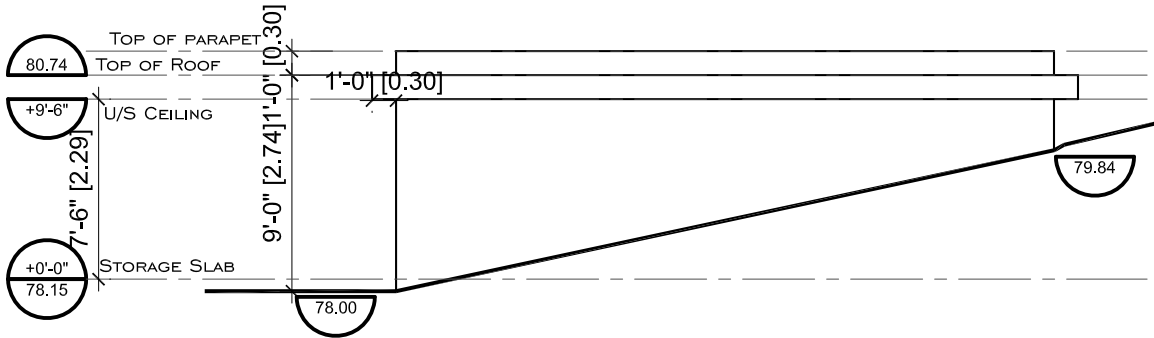


NORTH ELEVATION

SCALE: 1/8" = 1'-0"



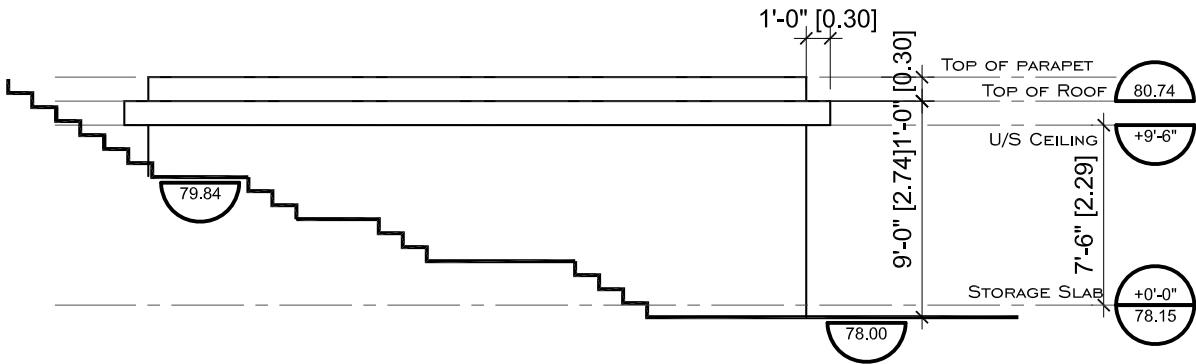
440 LAKE FRONT
Toronto, Ontario
Project # 18-29



EAST ELEVATION

SCALE: 1/8" = 1'-0"

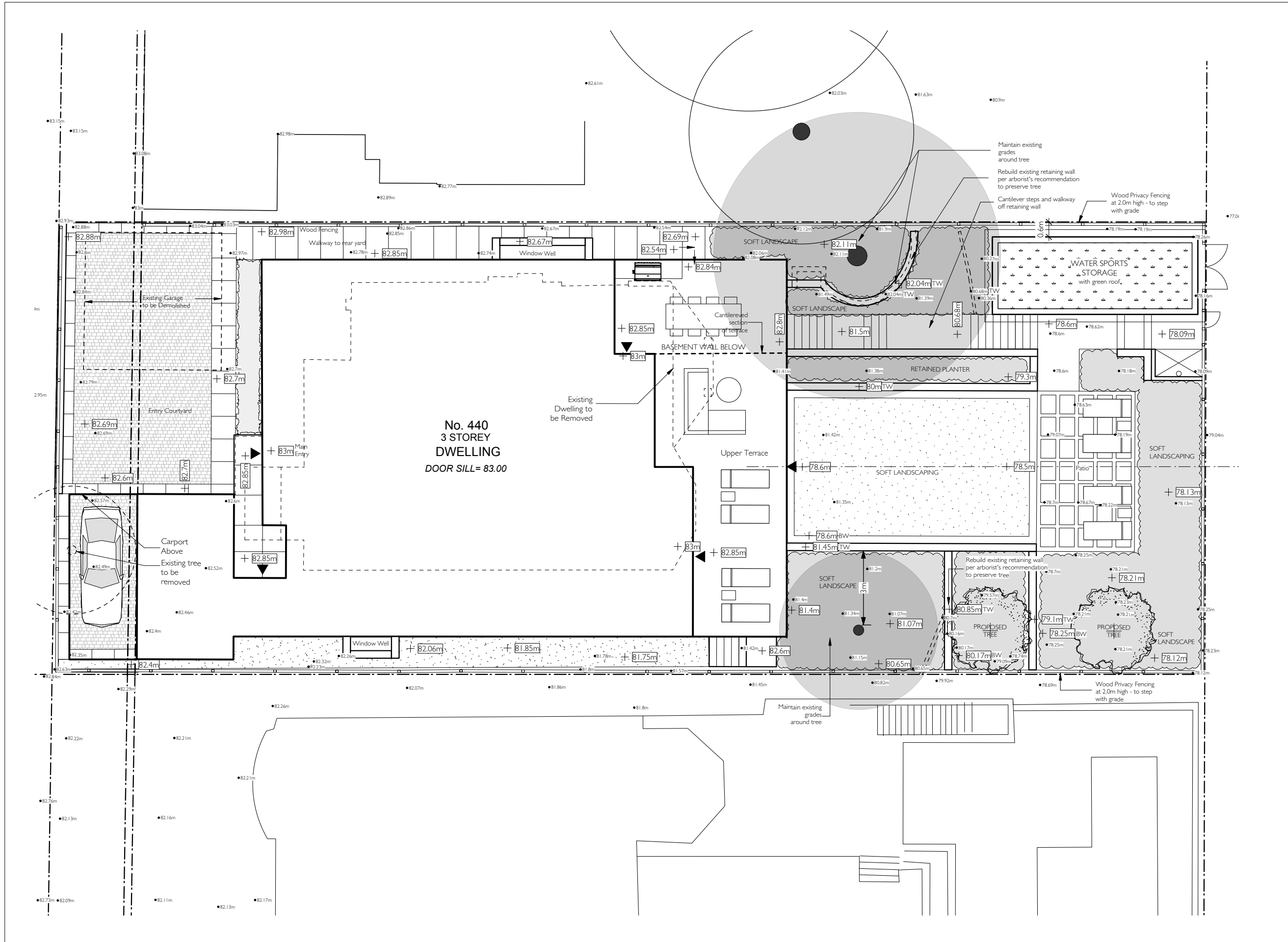




WEST ELEVATION

SCALE: 1/8" = 1'-0"





NOTES

The Designer is not responsible for the accuracy of the engineering information contained in these drawings including but not limited to property surveys, structural, mechanical and electrical. Refer to appropriate engineering drawings before work commences.

The Contractor must conform to all applicable codes and by-laws of authorities having jurisdiction.

Drawings are not to be scaled.

The Contractor shall check all dimensions and report any discrepancies with the Designer prior to commencing work.

LEGEND

- EXISTING TREE TO BE PRESERVED
- /61.2m EXISTING GRADE
- - - - - EXISTING TO BE REMOVED
- + 78.09m PROPOSED GRADE
- PROPOSED TREE

REVISIONS

| NO | DESCRIPTION | DATE |
|----|----------------------|----------|
| 1 | ISSUED FOR REVIEW | 01.11.19 |
| 2 | REVISED FOR COMMENTS | 03.20.20 |
| 3 | ISSUED FOR REVIEW | 06.22.20 |
| 4 | ISSUED FOR REVIEW | 07.14.20 |
| 5 | ISSUED FOR REVIEW | 01.20.21 |
| 6 | REVISED FOR COMMENTS | 01.25.21 |
| 7 | REVISED FOR COMMENTS | 02.11.21 |

TM
LA

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PROJECT

440 LAKE FRONT LANE
TORONTO, ON

SHEET TITLE

LANDSCAPE PLAN

DRAWN BY TM
DATE 01/11/2019
JOB NUMBER 18029
SCALE 1:150 @ 11x17

SHEET NUMBER L-1.0
PAGE NUMBER 1 OF 1