

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** August 20, 2019

**CASE NO(S):** PL130885

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	1026046 Ontario Limited
Subject:	Proposed Official Plan Amendment No. 197
Municipality:	City of Toronto
LPAT Case No.:	PL130885
LPAT File No.:	PL130885
LPAT Case Name:	Shoreline Towers Incorporated v. Toronto (City)

**Heard:** August 14, 2019 in Toronto, Ontario

**APPEARANCES:**

**Parties**

**Counsel\*/Representative**

1026046 Ontario Limited (“Appellant”)	P. Patterson*/P. Morley*
City of Toronto (“City”)	L. Forder*
Mimico Lakeshore Network Inc.	M. Gerwin

**MEMORANDUM OF ORAL DECISION DELIVERED BY BLAIR S. TAYLOR AND  
GERRY DIVARIS ON AUGUST 14, 2019 AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] The Appellant had filed a site specific appeal against Official Plan Amendment

197 (“OPA 197”).

[2] The parties had participated in Tribunal-led mediation and had reached a settlement which had been approved by City Council.

[3] Thus the matter came before the Tribunal as a settlement hearing.

## **DECISION**

[4] The Tribunal has before it a site specific appeal as it relates to the lands known municipally as 2491 Lake Shore Boulevard West (“Subject Lands”) and the City’s OPA 197.

[5] The Subject Lands are designated mixed use and found within Precinct E of OPA 197.

[6] In the course of the appeal, the parties participated in Tribunal-led mediation. This led to a settlement among most of the parties, led to a City Council resolution authorizing City staff to settle the appeal through a new Special Policy Area 5 in OPA 197 for the Subject Lands. It also led to another party withdrawing from the hearing.

[7] Based on the Tribunal-led mediation and the resulting settlement, the Tribunal heard the Appellant’s land use planner opine that: the Subject Lands were in a stand alone position within the Precinct; that no comprehensive Precinct Plan was required; that a heritage assessment had been undertaken to the satisfaction of the City; and that the planning objectives of OPA 197 had been addressed to the satisfaction of all the remaining parties.

[8] More specifically the Appellant’s planner noted that the objectives of OPA 197 with regard to: height; built form and massing; parkland dedication to the City; transportation; housing practices; and enhancing the public realm had all been addressed.

[9] The evidence of the Appellant's land use planner was that the revised site specific OPA was consistent with the Provincial Policy Statement ("PPS"), conformed to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 ("Growth Plan 2019"), conformed with the intent of the City's Official Plan, and that the site specific OPA would be desirable for the redevelopment of the Subject Lands, would result in a compact and efficient form, would utilize existing infrastructure, and provide for intensification within a settlement/built-up area.

[10] The Tribunal would note that at the hearing no party appeared in opposition to the proposed settlement.

[11] The Tribunal in considering this matter has had regard for the position of City Council as required by s. 2.1 of the *Planning Act*.

[12] The Tribunal, based on the uncontroverted and uncontested land use planning evidence of the Appellant's planner finds that the proposed settlement as set out in Exhibit 4 is consistent with the PPS, conforms to the Growth Plan 2019 and the City's Official Plan.

[13] Accordingly the Tribunal will:

- a. Allow the site specific appeal of OPA 197 in part for the Subject Lands;
- b. Approve the requested modifications to OPA 197 and add a site specific policy for the Subject Lands as found in Exhibit 4;
- c. Will modify OPA 197 by deleting the existing OPA Map 33-9, and replacing it with Exhibit 5 (which depicts the Subject Lands as Special Policy Area 5); and
- d. Will dismiss the Appellant's appeals of the 2015 modifications to OPA 197, save and except as reflected in the site specific policies for the Subject Lands as found in Exhibit 4.

[14] With regard to some other technical amendments that the City seeks to finalize for OPA 197, the City is directed to provide those to all the remaining parties, and with the consent of all the remaining parties, forward them to the Tribunal's Case Coordinator for issuance by the Registrar.

[15] Appended hereto are Attachments 1 and 2 being respectively Exhibits 4 and 5 and these attachments form part of this decision.

[16] This is the Order of the Tribunal.

*"Blair S. Taylor"*

BLAIR S. TAYLOR  
MEMBER

*"Gerry Divaris"*

GERRY DIVARIS  
MEMBER

If there is an attachment referred to in this document,  
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**Local Planning Appeal Tribunal**

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Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

Exhibit:	4
File #:	

PL130885

08/08/2019

**PROPOSED SITE SPECIFIC POLICY**

**Mimico-by-the-Lake Secondary Plan (OPA 197)**

2491 Lakeshore Boulevard West

**Site Specific Policy – 2491 Lake Shore Boulevard West**

6.5 Special Policy Area 5 – Map 33-9

Site Specific Policy Area 5 on Map 33-9 corresponds to a property municipally known in the year 2018 as 2491 Lake Shore Boulevard West. The property is located on the east side of Lake Shore Boulevard West in Precinct E and meets the minimum requirements for lot depth and width as identified in Policy 4.2.2 a) of this Secondary Plan. For this reason, there may be opportunity for independent mid-rise development without consolidation with other properties in Precinct E and without the complete precinct level analysis envisioned in this Secondary Plan. The property has appropriate frontage onto Lake Shore Boulevard West and would not require any additional road infrastructure. It is located within the Enhanced Pedestrian Area illustrated on Map 33-5.

This property was identified on the Mimico 20/20 Revitalization Cultural Heritage Resource Assessment (May 2012) as having potential cultural heritage value or interest. Further evaluation was undertaken in 2017 which resulted in the determination that, although the property was associated with the history of the Studebaker Company, due to extensive alterations over time there is insufficient integrity to express the cultural heritage value or warrant identification as a heritage property. With the exception of interpretation to commemorate the history as set out in the site specific policies below, no further heritage analysis pursuant to Policy 4.7.2 of this Secondary Plan is required prior to development.

The following policies will apply where development is proposed to proceed independently on 2491 Lake Shore Boulevard West:

**Built Form:**

- a) despite Policies 4.2.4 a) and 4.5.2 of this Secondary Plan, the following built form policies apply:
  - i. a minimum building height of 10.5 metres or 3 storeys;
  - ii. a maximum building height of 29 metres and 9 storeys;
  - iii. minimum building stepbacks provided as follows:

- A. a setback of 1.5 metres above the 3rd floor on the west and north elevations;
  - B. a setback of an additional 1.5 metres above the 6th floor on the west and north elevations;
  - C. a setback of 1.5 metres above the 6th floor on the east and south elevations;
  - D. a setback of an additional 2.4 metres above the 8th floor on the west elevation for a total setback of 5.4 metres above the 8th floor along Lake Shore Boulevard West; and
  - E. a setback of an additional 1.5 metres above the 8th floor on the north and south elevations;
- iv. a minimum front yard setback of 0.75 metres from Lake Shore Boulevard West as widened (contemplated right-of-way width of 27 metres, including a 0.4 metre required widening dedication the width of the property), which setback is variable subject to the curb to building face requirements set out in v. below;
- v. a minimum distance of :
- A. 5.2 metres at ground level as well as the 4<sup>th</sup> floor and above; and
  - B. 4.8 metres at the 2<sup>nd</sup> and 3<sup>rd</sup> floors;
- between the curb to building face along the width of the property as measured from the current curb location along Lake Shore Blvd West (January 1, 2018) as determined by the General Manager, Transportation Services;
- vi. a minimum setback of 3 metres from Amos Waites Park after the parkland dedication referred to in f) below;
- vii. a minimum rear yard setback of 7.5 metres;
- viii. a minimum separation distance of 15 metres between a window of one dwelling unit to a window of another dwelling unit within the same building; and a minimum separation distance of 15 metres between apartment buildings on different properties with no balcony projections into the required separation distances when there are windows facing each other;
- ix. Mimico-by-the-Lake has a fine grain main street retail character of storefronts and building entrances along Lake Shore Boulevard West and any new building will be designed to

reflect a similar rhythm of entrances and multiple retail units in order to contribute to a highly animated pedestrian environment and may be achieved through multiple tenants or through architectural treatment;

- x. to maintain and enhance the main street character of Mimico-by-the-Lake, retail uses will be provided on the ground floor along the Lake Shore Boulevard West street frontage with a minimum depth of 8.0 metres; and
- xi any new building will acknowledge the existing building character along Lake Shore Boulevard West through an appropriate cornice line which may be achieved in a number of ways, including facade detail, articulation and stepbacks.

Application Requirements:

- b) despite the policies in this Secondary Plan requiring a precinct plan and requisite studies, a precinct plan will not be required for a development proposal that is submitted and that meets the requirements of these site specific policies and the general policies of this Secondary Plan. Required studies, consistent with Policy 5.1.5 of this Secondary Plan and Complete Application Requirements for the City will be required for any development proposal and determined through pre-consultation meetings with the City in advance of application submission. It is expected that, generally, required supporting documents will mirror the development application requirements for properties within Precinct G as set out in this Secondary Plan;
- c) as part of any development application, built form and massing drawings for the property will be required to demonstrate that the development implements the policies of this Secondary Plan as guided by the Mimico 20/20 Urban Design Guidelines;
- d) as part of any development application, an interpretative panel commemorating the site history will be required and installed in a public location on the property, all to the satisfaction of the Senior Manager, Heritage Preservation Services, which requirements will be secured in appropriate agreements with the City;
- e) a Transportation Precinct Study pursuant to Policy 4.4.4 will not be required;

Parkland:

- f) expansion of the adjacent Amos Waites Park is an integral component of site development within this Special Policy Area 5 and a 5 metre wide parkland dedication the full depth of the property along the north boundary adjacent to Amos Waites Park will be conveyed to the City in the context of site plan approval;

Housing:

f) despite Policy 4.3.4 of this Secondary Plan, for the purpose of this Special Policy Area 5,  
g) the following policy will apply:

Best  
The demolition and replacement policies of the Official Plan, including Policies 3.2.1.6 and 3.2.1.7 which relate to full replacement of rental units lost due to redevelopment, will continue to apply. Where existing rental housing is replaced, it will be maintained as rental housing in accordance with City practices with an additional three (3) year transition to market rents.



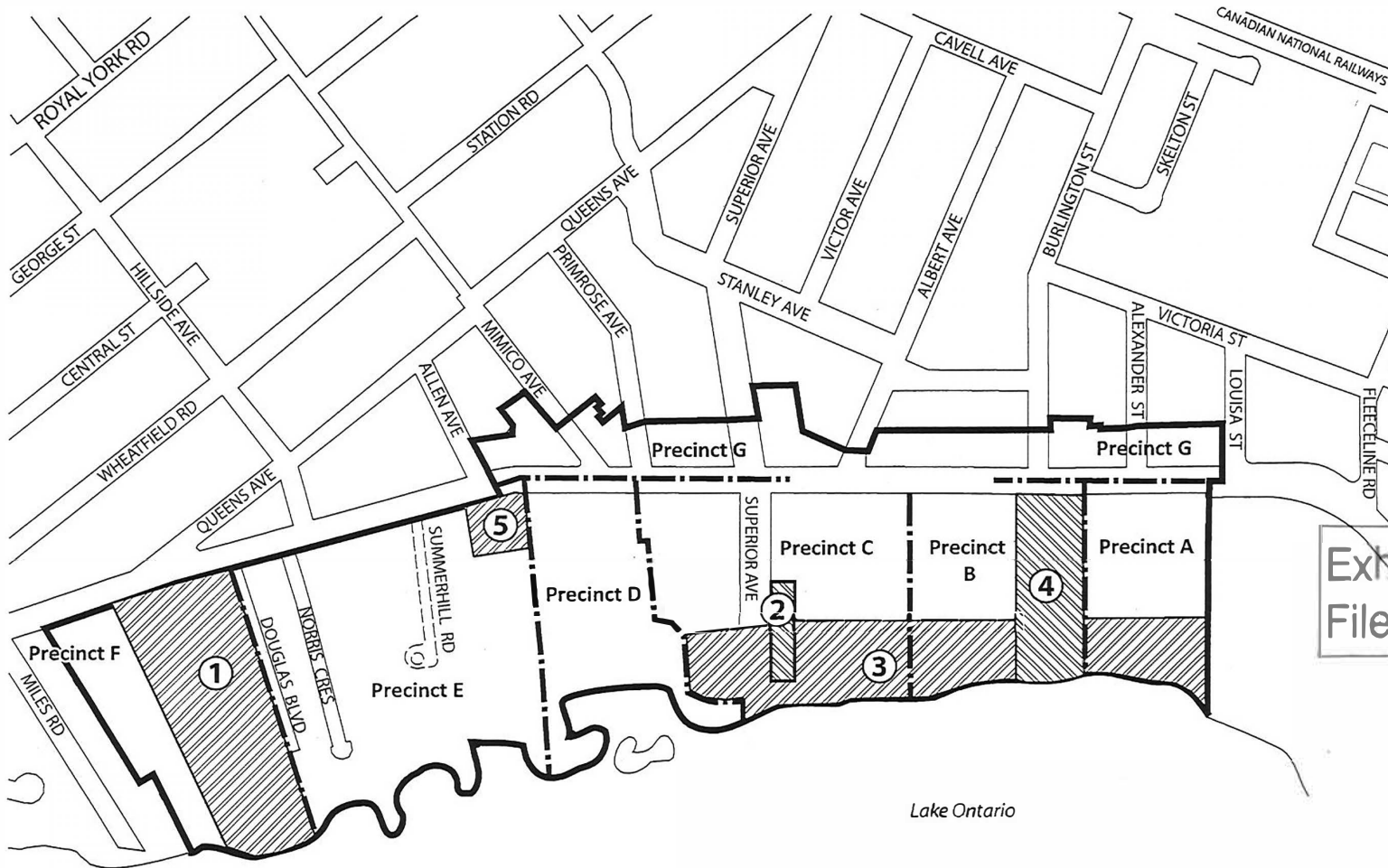


Exhibit: 5  
File #: \_\_\_\_\_

Not to Scale →