TORONTO AND REGION Conservation for The Living City

5

October 20, 2008

CFN 38717.02

BY FAX AND MAIL (fax.416.394.6063)

Greg Hobson-Garcia, Planner
City Planning
City of Toronto
2 Civic Centre Court, 3 rd Floor
Toronto, ON
M9C 5A3

Dear Mr. Hobson-Garcia:

RE: Official Plan/Zoning By-Law Amendment and Site Plan Applications 08 192870 WET 06 OZ & 08192900 WET 06 SA
51 Lake Shore Drive
Dunpar Developments Ltd.
City of Toronto (Etobicoke-York Community Council)

Thank you for the opportunity to review the following reports and drawings:

- Natural Heritage Impact Evaluation, Final Report, prepared by North-South Environmental Inc., dated July 2008, received Sept. 2, 2008;
- Report entitled "Concept Development, 51 Lake Shore Drive", prepared by Shoreplan Engineering Limited, dated June 12, 2008, received September 2, 2008;
- Plan and Topography of Lot 102, Registered Plan 1478, City of Toronto (formerly City of Etobicoke) prepared by Rabideau Czerwinski, Ontario Land Surveyors, dated October 6, 2006, received September 2, 2008;
- Drawing No. A-1, Site Plan, Prepared by OP Design Inc., dated July 23, 2008, received September 2, 2008;
- Drawing No 01, Site Plan and Sections, prepared by Shoreplan, dated June 12, 2008, received September 2, 2008;
- Drawing No. L-1, Landscape Plan, Drawing L-2 Landscape Details, Drawing VA-1, Existing Vegetation Analysis Plan, all prepared by A. Budrevics & Associates Limited, dated July 24, 2008, received September 2, 2008; and
- Drawing No. 08210-1E and Drawing No.08210-1D, Site Servicing and Site Grading Plan, both prepared by Odan Detech Consulting engineers, dated June 16, 2008, received September 2, 2008.

We offer the following detailed comments:

Our Understanding of the Proposal

The applicant proposes to re-develop the property with a 4 storey townhouse block consisting of 7 units. The proposed residential building would be setback at its closest point approximately 15 metres from the waterfront top of bank as defined by the former City of Etobicoke By-law 304-3. The existing dwelling maintains a setback of approximately 41 metres from the waterfront top of bank.

The applicant also proposes to remove the existing armour stone and concrete block seawall and construct a new sloped armour stone revetment which appears to be partially located on the bed of Lake Ontario which is Crown land. The applicant's submission makes no reference for the need to

Member of Conservation Ontario

5 Shoreham Drive, Downsview, Ontario M3N 1S4 (416) 661-6600 FAX 661-6898 www.trca.on.ca

seek approval from the Province in regards to construction of the proposed armour stone revetment partially on Crown land.

TRCA Regulation and Policy

The subject property is partially located within a Regulated Area of the Lake Ontario Shoreline. In accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place:

a) straightening, changing,diverting or interfering in any way with the existing channel of a river,creek,stream or watercourse, or for changing or interfering in any way with a wetland.

b) development, if in the opinion of the authority, the control of flooding, erosion,dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

i) the construction, reconstruction, erection or placing of a building or structure of any kind,
ii) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
iii) site grading,
iv) the temporary or permanent placing, dumping or removal of any material originating on site or elsewhere.

In addition to planning approvals, a TRCA permit would be required before any development can take place on the subject property.

City of Toronto Official Plan (2002)

The site is shown as part of the Green Space System on the City's Urban Structure Map (Map 2). The Toronto waterfront is a major feature of the Green Space System. Lands within the Green Space System should be protected, improved and added to whenever feasible. Lands in the Green Space System function to:

i) provide habitat for flora and fauna;
ii) improve our environment by recharging groundwater, cleaning the air and water and limiting damage that might arise from flooding and soil erosion;
iii) provide natural beauty and a variety of landscapes for reflection, contemplation and appreciation of nature;
iv) offer opportunities for passive and active recreation, community gardens and environmental education; and
v) offer unique tourism and entertainment destinations attracting visitors from across the region and elsewhere.

The southerly half of the property is designated Parks and Open Space Areas-Natural Areas. It appears that four of the seven units are proposed within the area of the property designated Parks and Open Space Areas-Natural Areas.

The Parks and Open Space Areas policies state that areas shown as Natural Areas will be maintained primarily in a natural state, while allowing for:

a) compatible recreational, cultural and educational uses and facilities that minimize adverse impacts on natural features and functions; and
b) conservation projects, public transit, public works and utilities for which no reasonable alternatives are available, and that are designed to have only minimal adverse impacts on natural features and functions.

A portion of the site is also shown as part of the Natural Heritage System on Map 9, Natural Heritage. The Natural Environment policies of the Official Plan seek to promote good stewardship through the protection and enhancement of the natural environment while building the City. Map 9 identifies significant natural features and functions as the natural heritage system. The Plan specifies that the natural heritage system is made up of areas where protecting, restoring and enhancing the natural features and functions should have high priority. Development is generally not permitted in the natural heritage system shown on Map 9.

TRCA staff are of the opinion that the proposal is not in keeping with the vision and intent of the current Official Plan designation.

Provincial Policy Statement (PPS, 2005)

The Provincial Policy Statement (2205) issued under Section 3 of the Planning Act states that:

3.1.1 Development shall generally be directed to areas outside of:

a) hazardous lands adjacent to the shorelines of the Great Lakes – St.Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;

TRCA staff need to be satisfied that the proposed development will be located outside of "hazardous lands". More specifically the proposed townhouse block should be setback a minimum of 10 metres inland from the Long Term Stable Top of Slope Line (LTSTSL) in accordance with TRCA's Shoreline Management Program (1980).

In the absence of any geotechnical studies, TRCA staff consider "hazardous lands" in relation to subject property to extend 27 metres inland from the existing toe of slope as illustrated on Figure 1 of the Shoreplan report (June 12, 2008). The proposed development including servicing extends well into the portion of the property TRCA considers to be "hazardous lands".

TRCA staff acknowledge that the there is an existing stone structure along the shoreline of the subject property that may provide some of level protection for the subject property as suggested by Shoreplan. It should be noted that current TRCA policy does not allow reductions to erosion setback lines (Long Term Stable Top of Slope Line) based on the remaining life expectancy of existing protection structures. It is TRCA's practice when requesting slope stability studies that the analysis is based on the assumption the slope is in a natural and unprotected state.

TRCA's Shoreline Management Program (1980)

The Authority's Shoreline Management Program hereafter referred to as the "Program" was designed to prevent loss of life and limit the loss of property, due to shoreline hazards through its area of jurisdiction.

Over the last several decades TRCA has implemented numerous shoreline protection works along the Lake Ontario Waterfront to protect existing development. TRCA has carried out its works in accordance with proper shoreline management principles. One of these principles is that "works will

primarily be of a type and design which will from part of an integrated management system for the entire shoreline". Section 5 of the Program deals with the prevention component of shoreline management as follows:

5.1 Prevention Component

> *In order to be fully effective, the Shoreline Management Program must endeavour to prevent future problems in addition to rectifying existing ones. Although virtually all of the shoreline under the jurisdiction of the Authority can be considered "developed", infilling pressures and redevelopment proposals do exist and should be controlled to ensure that shoreline hazards are not created.*

Section 5.1.1 of the Program provides the rationale for the prevention component as follows:

> *The prevention component must also deal with the implication of one shoreline development as they affect another. For example, some shoreline management techniques can have a serious impact on adjoining properties. Potential developments must, therefore, be reviewed to examine the probable success of the works as well as to identify any potential impacts on other properties. While some protection techniques provide an apparent short term benefit, they may in fact worsen the long term condition to the detriment of a much longer section of shoreline.*

The report prepared by Shoreplan (June12, 2008) does not address potential impacts of the proposed shore protection works upon the neighbouring properties or a larger section/reach of shoreline.

Notwithstanding the above, in principle TRCA does not support the construction of new shoreline protection works for the purpose of accommodating new development within the natural hazard area. New protection measures should only be considered when existing buildings or infrastructure are at risk to hazards such as flooding and erosion.

Based on the Shoreplan report noted above, the existing dwelling is located outside of the erosion setback allowance and is not at any long term risk associated with shoreline hazards.

Recommendations

The current proposal is contrary to the intent and vision of the City's Official Plan and Zoning By-law and contrary to the principles of TRCA's Shoreline Management Program.

Given the above TRCA staff cannot support the official plan and zoning amendment application for the construction of a new armour stone revetment and the subsequent redevelopment of the site with 7 townhouse units.

We trust that this is of assistance. Please contact me should you have any further questions.

Yours Truly,

Mark Rapus
Senior Planner
Planning and Development
Extension 5259

Cc: Vojka Miladinovic, City of Toronto
Jane Weninger, City of Toronto
Steve Heuchert, TRCA
Tom Giancos, Dunpar Developments Inc.

f:\home\public\development services\city of toronto\etobicoke york\51 lake shore_2.doc