

TORONTO STAFF REPORT

March 21, 2006

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Subject: Final Report
Official Plan and Zoning Amendment Application 05 133488 WET 06 OZ
Applicant: Sam Paglia, Westport Beach Development Corporation
Architect: Kirkor Architects
3857-3867 Lake Shore Boulevard West and 96 Forty First Street
Ward 6 - Etobicoke-Lakeshore

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law for a mixed-use development consisting of a 16-storey building with a 5-storey base, with grade related retail uses at 3857-3867 Lake Shore Boulevard West and 96 Forty First Street.

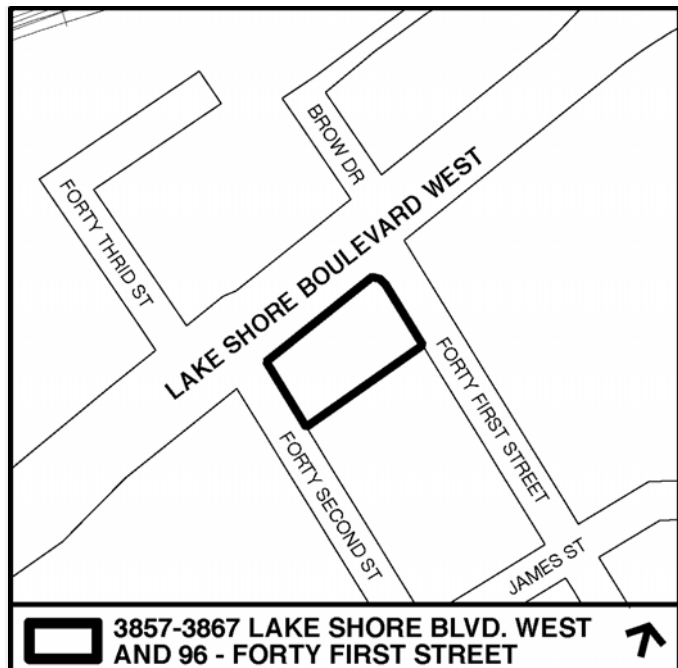
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of Etobicoke substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 6;
- (2) amend the Zoning Code for the former City of Etobicoke substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7;



- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment, as may be required;
- (4) before introducing the necessary Bills to City Council for enactment, require the owner to enter into a Section 37 Agreement with the City regarding the provision of community benefits as discussed in the body of this report; and
- (5) before introducing the necessary Bills to City Council for enactment, require the owner/applicant to satisfy the Technical Services, Site Plan Control and Section 37 matters to the satisfaction of the City.

Background:

Proposal

The development proposal is for a mixed-use development consisting of one, 16-storey residential condominium tower, retail and commercial uses and associated below-grade parking. A 5-storey podium would cover the Lake Shore frontage of the site. The applicant proposes 157 residential units and at-grade commercial/retail uses having a floor area of approximately 814 square metres (8,760 square feet), resulting in an overall floor space index of 5.4 times the lot area.

Vehicular access to the residential portion of the development would be from Forty Second Street. Access for loading, visitor parking and the commercial/retail component would be from Forty First Street. The applicant proposes to construct 186 parking spaces in a 3 level underground parking garage, and 19 surface parking spaces.

For a summary of the application, please refer to Attachment No. 8: Application Data Sheet.

Site History

In December 2004, City Council considered an implementation report for the Lake Shore Boulevard Avenues Study. The purpose of the report was to implement the Avenues vision for the lands generally located along the north and south side of Lake Shore Boulevard West, between Twenty Third Street and Etobicoke Creek. City Council on December 2, 2005 adopted Avenues Zoning By-law No. 1055-2004. The main highlights of the Avenues By-law include:

- (a) a floor space index of 3.0 times the lot area;
- (b) a building height of 6 storeys;
- (c) maintaining a 45 degree angular plane from adjacent low scale residential areas; and
- (d) reduced parking requirements for certain land uses.

The September 2004 staff report discussed items such as building heights and noted that certain sites in the Study Area could be developed at higher heights where they are located at a gateway to the City, subject to further review. This site, with its prominent location at the border of the

City of Mississauga, provides an opportunity to create a unique and interesting building form at the gateway to the City of Toronto.

In May 2005, the applicant submitted applications to amend the former Etobicoke Official Plan and Zoning Code in order to permit the redevelopment of an existing commercial and single-family site with a mixed use development consisting of a 16-storey slab type building situated atop a one-storey podium base. Etobicoke Community Council considered a Preliminary Report on July 5, 2005 and directed that:

- (a) staff be directed to schedule a community consultation meeting together with the Ward Councillor;
- (b) notice for the community consultation meeting be given to landowners and residents within 120 metres of the site;
- (c) notice for the Public Meeting under the Planning Act be given according to the regulations under the Planning Act; and
- (d) the application for Site Plan Control, pursuant to Section 41 of the Planning Act, be substantially complete prior to the forwarding of the Bills to City Council.

Site and Surrounding Area

The subject property is a rectangular parcel of land located on the south side of Lake Shore Boulevard West, between Forty First and Forty Second Streets, and comprises 3 100 square metres. The property slopes to the south. Currently it is occupied by a single detached dwelling, as well as one-storey commercial buildings. The surrounding land uses include:

North: Long Branch GO Station, Royal Canadian Legion Branch, and medium density housing.

South: Residential uses, including singles and semis, as well as mid-rise apartment buildings.

East: Highrise residential (15-storeys) and Public School.

West: Marie Curtis Park and Etobicoke Creek.

Provincial Policy Statement

The 2005 Provincial Policy Statement sets out policies to promote efficient development and land use patterns to support strong, livable and healthy communities, protect the environment and public health and safety, and facilitate economic growth over the long term. In the opinion of staff, the proposed development concept is consistent with the Provincial Policy Statement as it relates to building strong communities, managing resources and protecting public health and safety.

Metropolitan Toronto Official Plan

The Metropolitan Toronto Official Plan contains policies aimed at increasing the supply of housing to achieve the Plan's housing targets in a manner consistent with the efficient utilization

of land and the optimizing of infrastructure investment through such measures as residential intensification, infill, renovation, rehabilitation and re-urbanization of Metropolitan Corridors such as Lake Shore Boulevard West. Metropolitan Corridors provide for intensification of residential and employment uses in areas well served by transit.

Metropolitan Mainstreets encourage street oriented, predominantly medium density development for residential, commercial or a mix of residential and commercial uses. A multi-storey built form, with at-grade retail, is promoted, and urban design elements to facilitate both pedestrian activity and transit use are encouraged. Accordingly, the proposed development is consistent with this vision, and therefore complies with the aforementioned policies.

Former City of Etobicoke Official Plan

The in-force Etobicoke Official Plan designates the site, "High Density Residential", which permits a range of multiple unit housing types combined with compatible institutions and supporting facilities and uses. The permitted density of development under this designation ranges from 70 to 185 units per hectare, with a floor space index of 2.5 times the lot area.

The Etobicoke Official Plan recognizes that there are sites with the potential for additional residential density above the maximum identified in the Plan. A proposal to intensify under-utilized sites may be considered subject to the criteria set out in Section 4.2.19 in the Plan. These criteria include: the ability of the site to accommodate the proposed density; the adequacy of local social and educational services; the effect of increased traffic; the effect of height in terms of overshadowing and loss of amenity; and the relationship of the site to nearby lower density uses. Staff have reviewed the proposal against these criteria, and are satisfied that the proposal complies with the criteria.

Toronto Official Plan

At its meeting of November 26, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new Plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board.

When it comes into force, the Plan will designate the site "Apartment Neighbourhoods". The Plan contains development criteria that direct the form and quality of development in Apartment Neighbourhoods. The criteria direct: that the massing of new buildings provide a transition between areas of different development intensity and scale, including a stepping down of heights toward lower scale neighbourhoods; that shadow impacts be minimized on adjacent neighbourhoods; that comfortable sunlight and wind conditions be achieved through the massing of new buildings; and that parking, loading, amenities and other good site planning principles are complied with. The proposal is consistent with the new Plan. No amendment is required.

The Tall Buildings policies of the new Official Plan outline the built-form principles that are applied to the location and design of such buildings. Additionally, they seek to ensure an

appropriate relationship between adjacent buildings and the neighbourhood and to minimize negative impacts, while contributing to and reinforcing the overall City structure.

The Toronto Plan identifies Lake Shore Boulevard West as an “Avenue” on Map 2, Urban Structure. Avenues are important corridors along major streets where reurbanization can have a variety of positive impacts. City Council at its meeting of November 30, December 1 and 2, 2004 adopted the Lake Shore Boulevard West–Long Branch Avenues Study Implementation Report and Supplementary Report. An implementing Official Plan Amendment (#124-2004) and Zoning By-law (#1055-2004) were also adopted by Council.

Zoning

The implementing Avenues Zoning By-law (#1055-2004), adopted by Council, zones the lands Commercial- Avenues (C1-AV). This zone permits the proposed concept, however the proposed building height and density are greater than permitted by the By-law.

Site Plan Control

The property is subject to Site Plan Control under the Etobicoke Zoning Code. On July 2005, Community Council considered a Preliminary Report and directed the application for Site Plan Control (pursuant to Section 41 of the Planning Act) be substantially completed prior to the forwarding of the Bills to City Council. The required application was submitted on March 1, 2006 for City approval.

Site plan control approval will provide City staff with an opportunity to review, in more detail, matters such as: grading, landscaping, screening and/or fencing, street planting, pedestrian linkages and building design and location.

Ravine Control

The site is subject to Ravine Protection (Municipal Code 658). Urban Forestry Ravine Planning (UFRP) staff do not object to the application provided the applicant replaces trees that will be lost as a result of the development. If the applicant is not able to satisfy the requirements of on-site planting, UFRP staff are willing to accept funds for compensatory planting on public lands. This matter is currently being negotiated and can be addressed as part of the site plan control approval process.

Discussions with staff from the Toronto Region Conservation Authority (TRCA) have determined that the site is suitable for redevelopment. The TRCA has advised that they will complete their review as part of the site plan control approval process.

Tree Preservation

The application included an Arborist Report, Tree Survey and Assessment Plan. Planning staff are satisfied that this matter can be appropriately dealt with as part of the site plan control approval process.

Archaeological Assessment

In July 2005, City Council approved the implementation of “Interim Screening” for archaeological potential, in order to conserve archaeological resources in the City, pending the completion and approval of the full Archaeological Master Plan. Interim screening is the first phase of a process that will ultimately implement the Master Plan.

The applicant has submitted an Archaeological Assessment by a qualified Archaeological Consultant. The report, dated February 2006, indicated there were no archaeological sites encountered during the field work. Accordingly, it was recommended that the archaeological conditions attached to the site should be cleared and the development may proceed. Planning staff are satisfied that this matter can be appropriately dealt with as part of the site plan control approval process.

Reasons for the Application

The proposed mixed-use development does not conform to the provisions of the Etobicoke Official Plan or the Commercial-Avenue zoning, respecting height and density. Accordingly, amendments to the Official Plan and Zoning By-law are required.

Community Consultation

There have been 3 individual consultation meetings held with the local community. An informal Community Consultation Meeting was held by the applicant on July 27, 2005 and was attended by approximately 45 members of the community. The formal meetings were held on September 15, 2005 and January 17, 2006 and were attended by approximately 30 members of the community, for both meetings. The Ward Councillor, Planning staff, and the developer with his consulting team were also in attendance at the meetings. In addition to the meetings, there were 3 letters/comment forms submitted in support of the application.

In summary, there was no significant opposition to redevelopment in the area, but there were a number of concerns expressed by the community. The main concerns/comments included:

- (a) separation/overlook into rear yards;
- (b) too much traffic, traffic infiltration into the community to the south;
- (c) shadowing of backyards;
- (d) pollution;
- (e) decreased property values;
- (f) form/function of the commercial/retail component; and
- (g) construction activity and potential impacts on the local community.

The planning related issues are addressed below in staff’s comments on the application.

Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

Comments:

Building Height and Massing

Building height and massing is one of this application's most challenging planning issues. The proposed building has to be considered in relation to the context of the surrounding area. It must also be determined if the new development will fit in with the new vision for the Lake Shore as an "Avenue", as established by the newly adopted Zoning By-law standards.

The September 2004 staff report on the Avenues Study discussed items such as building heights, noting that certain sites in the Study Area had larger lot depths while other sites were not reflective of the predominant lot pattern. It was also noted that some sites provided an opportunity to create unique and interesting building forms and a gateway to the City. As such, staff recommended at that time that greater building heights may be considered for such sites subject to further review on a site-by-site basis through site specific zoning applications.

The initial application submitted in May 2005 and presented to the Community in July and September 2005 consisted of a 16-storey building with a 1-storey base. Following the Community meetings and preliminary comments received by other City staff, Planning staff requested that the application be modified to be more in keeping with the principles established by the Avenue By-law. Some of these principles included a higher building form along the Avenue, consistent with the 2-storey minimum, providing a rear yard setback and ensuring that a 45-degree angular plan was maintained from the single-family dwellings.

The modified proposal increased the base height from 1 storey to 5 storeys, as well as creating a higher and narrower building component at the northwest end of the site. This provides a more efficient building mass. The benefit of creating a more prominent podium base, with a higher and narrower building, establishes the base height for future developments along the Avenue and is consistent with the building heights established by the Avenues Zoning By-law. The benefit of a higher building includes a reduction in the amount of shadowing on properties because it is a thinner building form, thereby casting thinner shadows. It is also beneficial when a greater amount of space can be provided between the proposed building and the residential community. The rear yard setback, in conjunction with stepping buildings back as they increase in height achieves this objective. The 5-storey base will help to provide a consistent building height at the streetline, which was one of the objectives of the Avenues Study.

The proposed taller building form is a supportable condition with the single-family residential area to the south because it would fit within the 45 degree angular plane, and would be separated from the residential property by the required minimum 7.5 metres (25 feet) rear yard building

setback. The separation distance in conjunction with the 45 degree angular plane provides an appropriate transition, a criterion of the new Official Plan (Section 4.5-2c).

The proposal addresses the Built Form policies (Section 3.1.2) wherein the buildings are generally located parallel to the street with a consistent front yard setback.

Additionally, the height of the proposed building is similar to an existing 15-storey development, located on the other side of Forty First Street and along Lake Shore Boulevard West.

This site, with its location at the border of the City of Mississauga, and proximity to higher order major transit facilities, provides additional opportunities for an increase in height and density, thereby achieving a landmark building at the gateway to the City of Toronto. In supporting a 16-storey building at this gateway location, for particular contextual reasons, staff are also mindful that the predominant form of development along the majority of the Lake Shore Avenues corridor will be consistent with the context of the area and the Avenues objectives.

Transportation

A number of transportation related matters were identified by the local community. These included the amount of vehicles that would be generated by the development, traffic infiltration into the neighbourhood, delays in exiting from 41st or 42nd Streets, as well as the delays at traffic control signals. A Traffic Impact Statement (TIS) was submitted with the application, as well as an Addendum providing additional information requested by City staff.

The analysis prepared by the applicant indicates that the majority of movements from this site will be orientated to/from Lake Shore Boulevard West, and it is unlikely that someone would go southward into the neighbourhood. Transportation Services are of the opinion that the vehicular traffic generated by the proposed development can be accommodated on the area road network without the need for any infrastructure improvements.

The site is in close proximity to the Long Branch GO station, TTC streetcar and bus service, and Mississauga Transit bus service. It is anticipated that this development will be strongly orientated towards public transit, thereby reducing the potential number of vehicle trips during the peak hour.

Section 37

Section 11.8.2 of the Etobicoke Official Plan and Section 5.1.1 of the new Plan authorize the use of Section 37 of the Planning Act to secure community benefits in return for increased density and/or height, if the increases are first determined to represent good planning. Planning staff have had discussions with the applicant regarding a Section 37 agreement. A cash contribution of \$200,000.00 has been agreed upon by the applicant. The money will be directed towards specific City initiatives in the local area. In this case, \$100,000.00 will be used for improvements, above and beyond the parkland dedication requirement, to Marie Curtis Park, while the remaining \$100,000.00 will be directed to the City's "Percent for Public Art Program" for public art/ a gateway feature along Lake Shore Boulevard.

Site Servicing

Technical Services Division staff advise that the applicant has not submitted a satisfactory servicing report. Additionally, the applicant is required to make satisfactory arrangements with Technical Services Division, including providing adequate financial guarantees and an undertaking if necessary, respecting any improvements that are/may be required to the sanitary sewer, storm sewer and water supply systems to accommodate the proposed development. This matter should be dealt with prior to enacting the By-laws.

School Boards

The Toronto District School Board (TDSB) has advised they do not anticipate a significant impact on local schools and that there is sufficient space at local schools to accommodate students anticipated from the proposed development. Additionally, the TDSB has also said the impact from this development will not require warning clauses, which would otherwise be requested.

No comments have been received from the Toronto Catholic District School Board (TCDSB). Recent comments received from the TCDSB on other development proposals, have indicated that all new residential development is subject to a uniform charge per dwelling unit under its adopted Education Development Charges By-law. The Education Development Charges By-law provides the TCDSB with a source of funding for the acquisition of new school sites and expansion of existing sites.

Development Charges

It is estimated that the Development charges for this project will be \$856,320.00. This is an estimate. The actual charge is assessed and collected upon issuance of the Building Permit.

Conclusions:

The subject lands are currently occupied by one-storey commercial/restaurant buildings, in conjunction with large surface parking lots, which is not the type of development encouraged in the Lake Shore Boulevard Avenues Study. This portion of the Lake Shore Boulevard Avenue will continue to evolve and develop and it is imperative that a strong commitment be made by staff and Council to encourage appropriate developments and to continue to set the standard of good urban design for the remainder of the Avenue.

The requested amendments, to the Etobicoke Official Plan and Zoning Code, have been evaluated in the context of the Etobicoke Official Plan policies, as well as the new Toronto Official Plan. The use of this particular site for a mixed use development containing a narrower 16-storey building with a 5-storey podium is an appropriate form of development and is considered to be a positive step towards the changing character of Lake Shore Boulevard as an Avenue. Additionally it provides an opportunity to develop a prominent site, at the gateway to the City of Toronto, with a landmark building that would signify entry to the City of Toronto.

Some of the matters discussed in this report are related to site plan approval, while other matters have not been finally addressed. Therefore prior to enacting the amending Bills, Planning staff recommend that the Site Plan Control and Section 37 Agreement be secured to the satisfaction of the City.

Contact:

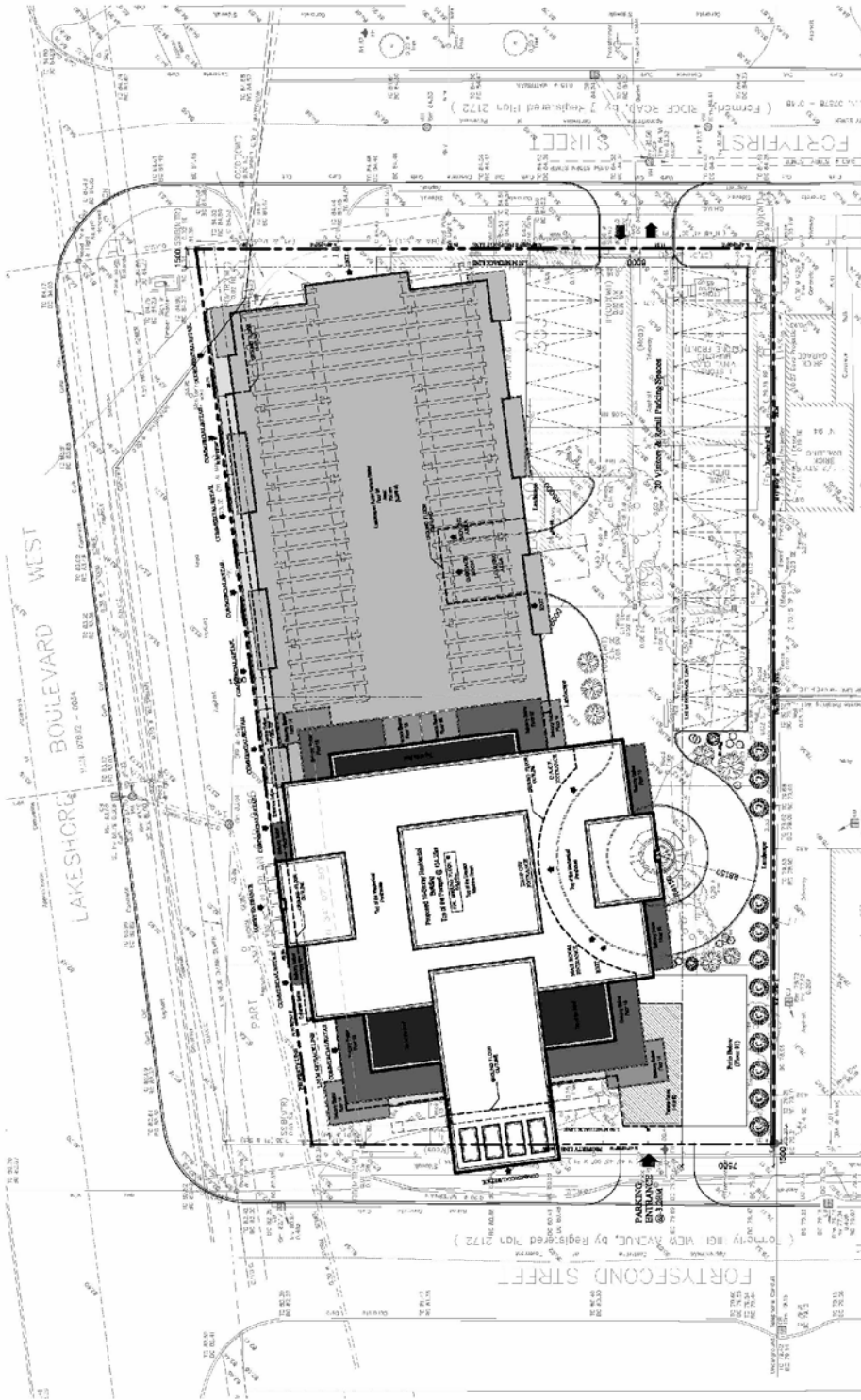
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Etobicoke York District

List of Attachments:

Attachment 1: Site Plan
Attachment 2: Elevation- 42nd Street
Attachment 3: Elevation- Lake Shore Boulevard
Attachment 4: Elevation- 41st Street
Attachment 5: Existing Zoning Map
Attachment 6: Draft Official Plan Amendment
Attachment 7: Draft Zoning By-law Amendment
Attachment 8: Application Data Sheet

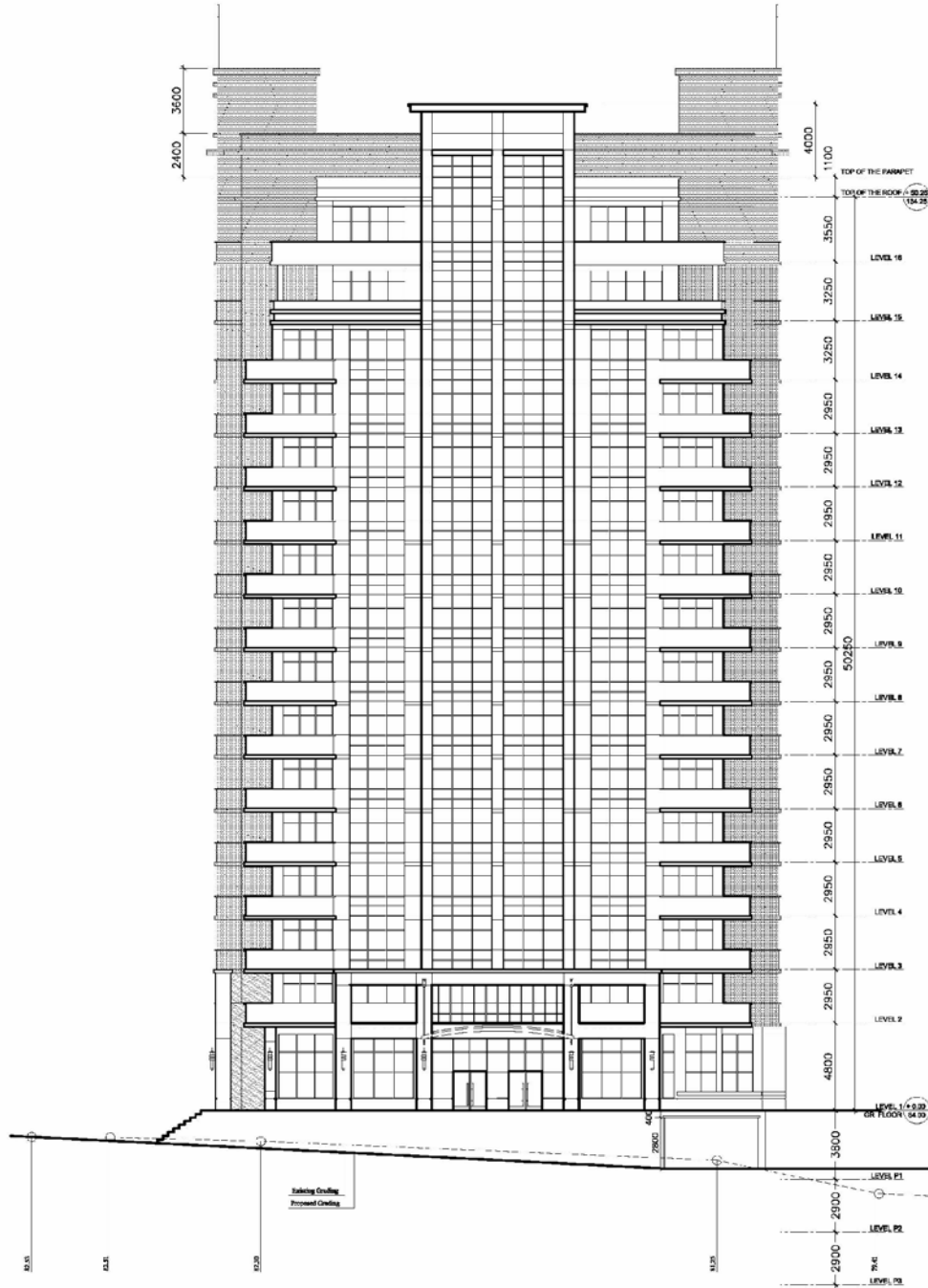
Attachment 1: Site Plan



3857 Lake Shore Boulevard West
and 96 - 41st Street
File # 05_133488

Site Plan
Applicant's Submitted Drawing
Not to Scale
02/21/06

Attachment 2: Elevation - 42nd Street



Elevations

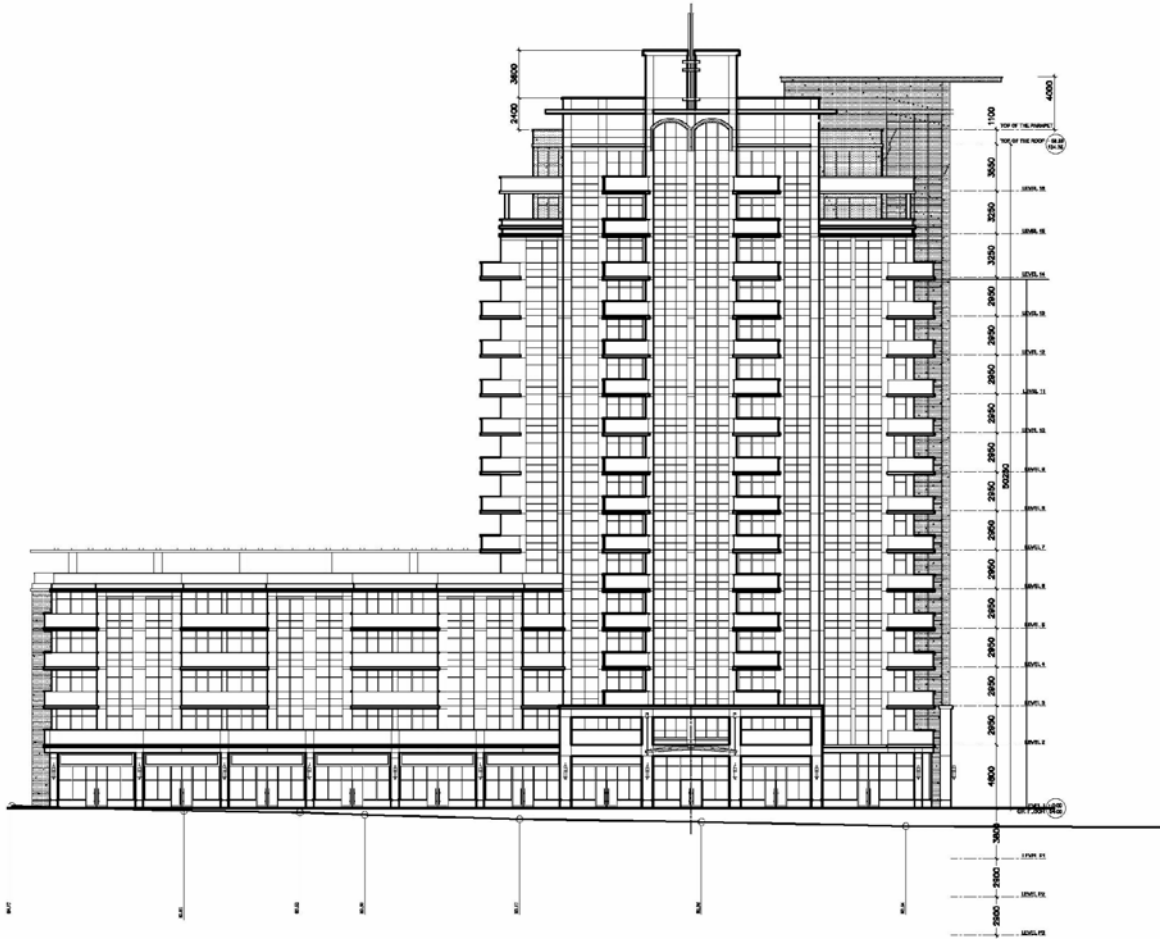
Applicant's Submitted Drawing

Not to Scale
02/21/06

3857 Lake Shore Boulevard West
and 96 - 41st Street

File # 05_133488

Attachment 3: Elevation - Lake Shore Boulevard



Elevations

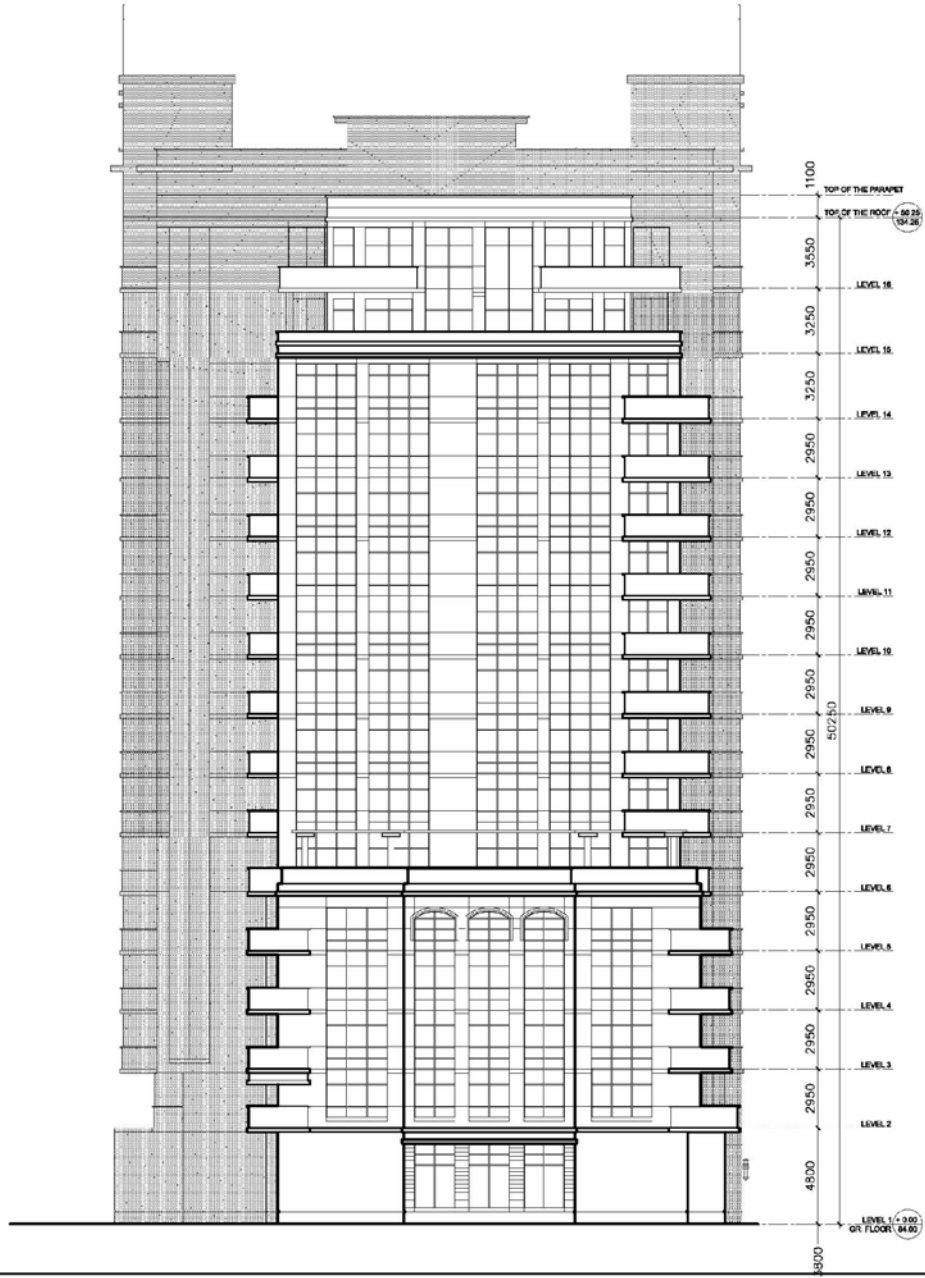
Applicant's Submitted Drawing

Not to Scale
02/21/06

**3857 Lake Shore Boulevard West
and 96 - 41st Street**

File # 05_133488

Attachment 4: Elevation - 41st Street

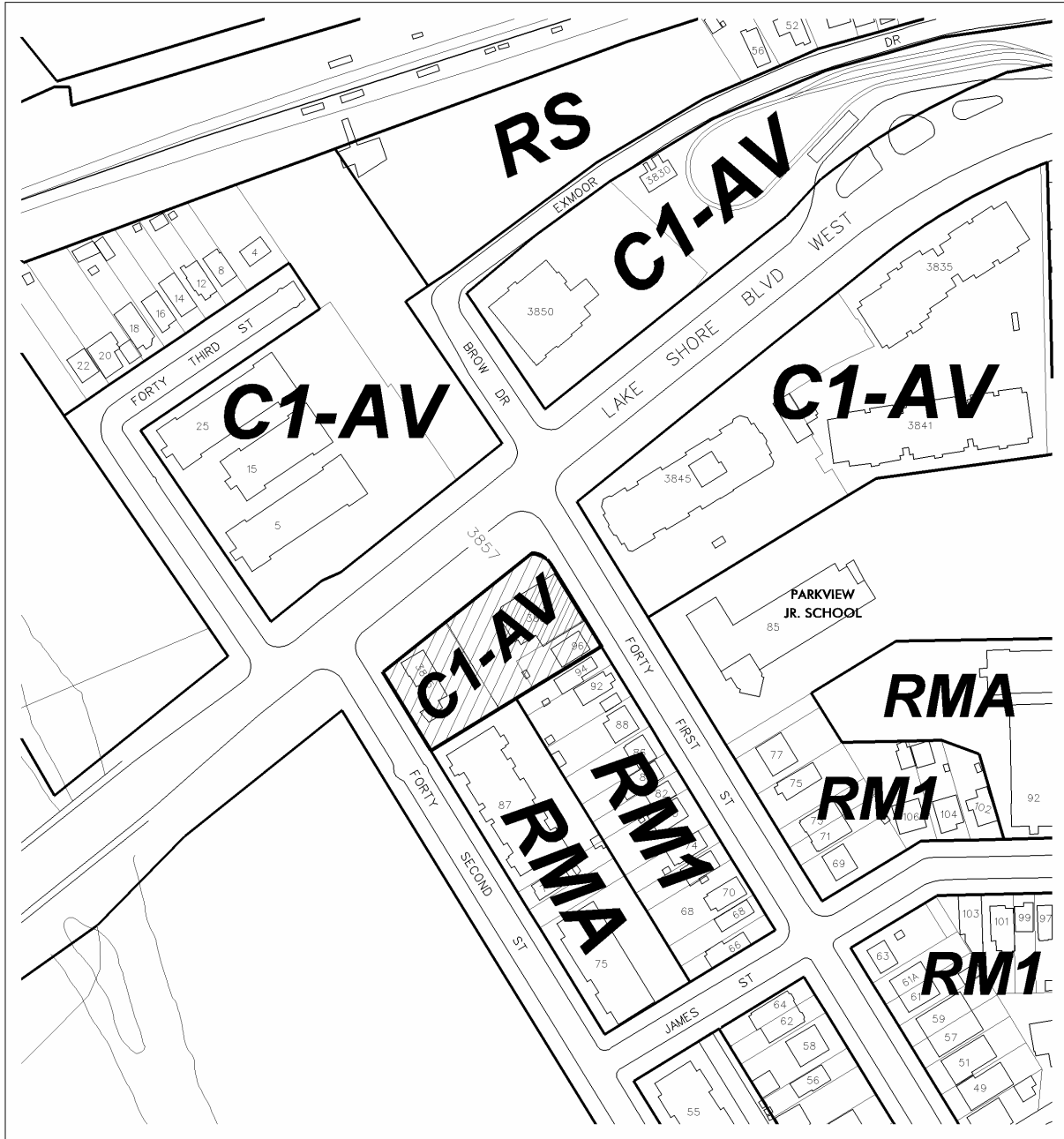


Elevations
Applicant's Submitted Drawing
Not to Scale
02/21/06

**3857 Lake Shore Boulevard West
and 96 - 41st Street**

File # 05_133488

Attachment 5: Existing Zoning Map



3857 and 3867 Lake Shore Boulevard West
and 96 Forty First Street

File No. 05_133488

- RS Residential Single
- RM1 Residential Multiple
- RMA Residential Multiple Apartments
- C1-AV Commercial Avenues



Not to Scale
Zoning By-law 11,737 as amended
Extracted 03/03/06

Attachment 6: Draft Official Plan Amendment

Authority: Community Council Report No. , Clause No. ,
as adopted by City of Toronto Council on and , 2006
Enacted by Council: and , 2006

CITY OF TORONTO

Bill No. ~

BY-LAW No. -2006

**To adopt an amendment to the Official Plan
for the former City of Etobicoke
respecting the lands municipally known as,
3857 Lake Shore Boulevard West**

WHEREAS authority is given to Council under the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto HEREBY ENACTS as follows:

- 1. That the attached Amendment No. 142-2006 to the former Official Plan of the Etobicoke Planning Area, consisting of Part Two of the accompanying amendment, is hereby adopted pursuant to the Planning Act, R.S.O. 1990, c.P. 13, as amended.

ENACTED AND PASSED this and day of , A.D. 2006.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

PART ONE- PREAMBLE

1.1 LOCATION AND PURPOSE

Official Plan Amendment No. 142-2006 applies to a 3 100 square metre (0.5 acres) parcel of land located on the south side of Lake Shore Boulevard West, between 41st and 42nd Streets.

The purpose of this amendment is to amend the High Density Residential designation in order to permit the construction of a mixed-use development containing commercial/retail uses at grade and 157 residential dwelling units in a 16 storey building having a 5 storey podium base.

1.2 BASIS

In May 2005 the owner/applicant submitted an application to amend the High Density Residential designation in order to permit additional height and density. This will allow the construction of a mixed-use development containing commercial/retail uses at grade and 157 residential dwelling units in a 16 storey building having a 5 storey podium base.

PART TWO-THE AMENDMENT

2.1 INTRODUCTION

All of this part of the Amendment, consisting of the following text and attached map designated as Schedule “A”, constitute Amendment No. 142-2006 to the Official Plan for the Etobicoke Planning Area. The Official Plan is hereby amended as follows.

2.2 MAP CHANGE (SCHEDULE “A”)

The area affected by Official Plan Amendment No. 142-2006 is hereby added to Chapter 5- Site Specific Policies of the Etobicoke Official Plan. Map 5- Site Specific Polices as shown on Schedule “A” of Official Plan Amendment No. 142-2006 is hereby amended by adding Site Specific Policy No. 101.

2.3 TEXT CHANGES

The Official Plan of the Etobicoke Planning Area is amended by adding the following Site Specific policy, which hereby added to Section 5.1.2 of the Etobicoke Official Plan, as follows:

“101. Lands on the south side of Lake Shore Boulevard West, located between Forty First and Forty Second Streets, municipally known as 3857-3867 Lake Shore Boulevard and 96 Forty First Street.

Designation-	High Density Residential
Density (Floor Space Index)-	5.4 FSI (Gross)
Building Height-	16 Storeys, or 55 metres

Description

The site may be developed having a mixed-use development, as detailed in Section 1 below, provided that the owner complies with the provisions of Sections 2 and 3 listed below:

1. The maximum gross floor space index shall be 5.4 times the lot area, which shall be calculated on a gross site basis. The maximum building height shall be 16 storeys or 55 metres, excluding the mechanical penthouse.

The development, including the roof-top mechanical system, shall maintain a 45-degree angular plane, from the lot line of the adjacent single-family neighbourhood.

2. **Section 37 Agreement**

Public Benefit

The owner of the land will be required to provide the City with a cash contribution of \$200,000.00. Pursuant to Councils Implementation Guidelines, adopted in December 2005, the money will be directed towards specific City initiatives in the local area. In this case, \$100,000 will be used for improvements, above and beyond the parkland dedication portion, to Marie Curtis Park, while the remaining \$100,000 will be directed to the City’s “Percent for Public Art Program” for public art/ a gateway feature along Lake Shore Boulevard.

The owner of the site shall provide the City of Toronto with the following facilities, services and matters, which would otherwise have been required in the absence of using Section 37 and are secured in the Section 37 agreement because it serves as a convenient legal mechanism:

Sidewalk and Streetscape Improvements

The applicant agrees to design and construct to the satisfaction of the Chief Planner of City Planning and Director of Technical Services, Etobicoke York District sidewalk and streetscape improvements along its public frontages to current city standards.

3. Execution and Registration of Section 37 Agreement

The Owner of the Site shall enter into an Agreement with the City of Toronto pursuant to Section 37 of the Planning Act, to secure the facilities, services, and matters provided for under subsection (2) herein and such Agreement shall be in a form satisfactory to the City and registered on title to the Site as a first priority, subject only to the fee interest of the Site.

2.4 IMPLEMENTATION

The policy established by this Amendment will be implemented by a site specific amendment to the Zoning Code, Council's conditions to approval, and the signing and registering of the appropriate agreements.


2.5 INTERPRETATION

The provisions of the Official Plan as they may be amended from time to time with respect to the interpretation of the Plan shall apply with respect to this Amendment.

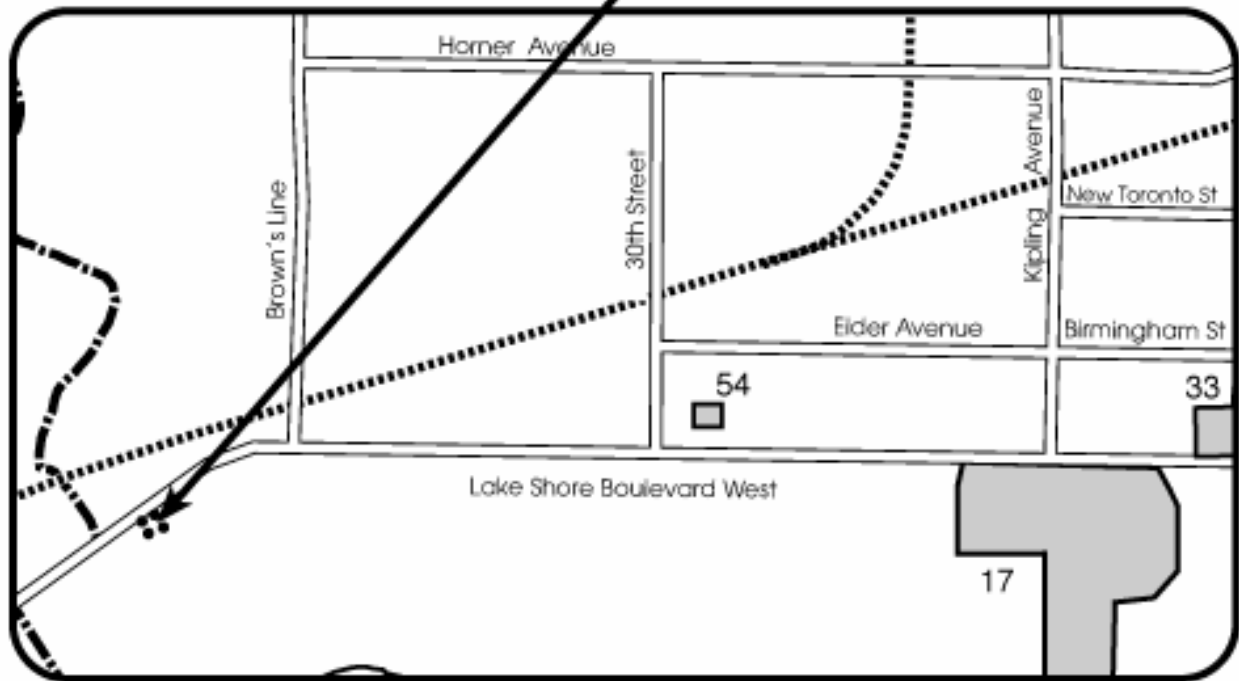
Etobicoke Official Plan Amendment No. 142 - 2006 Schedule "A"

3857 -3867 Lake Shore Blvd. W. and 96 Forty First Street

File # 05_133488

 Area of Amendment

Map 5
is amended by introducing
Site Specific Policy No. 101.



Site Specific Policies

 Area Affected By
Site Specific Policy

54 Site Reference Number
(see Section 5.1.2)



Not to Scale
Extracted 03/08/06 - MH

Attachment 7: Draft Zoning By-law Amendment

Authority: Etobicoke Community Council Report No. , Clause No. ,
as adopted by City of Toronto Council on , 2006
Enacted by Council: , 2006

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2004

**To amend ~ Zoning By-law No. ~, as amended,
with respect to the lands municipally known as,
3857-3867 Lake Shore Boulevard West and 96 Forty First Street**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS the matters herein set out are in conformity with Official Plan Amendment No. 142-2006 as adopted by the Council of the City of Toronto; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and held at least one Public Meeting in accordance with the *Planning Act*;

THEREFORE the Council of the City of Toronto HEREBY ENACTS as follows:

1. That the Zoning Map referred to in Section 330-2, Article II of the Zoning Code, originally attached to the Village of Long Branch By-law No. 23/64, as amended by By-law 1055-2004, be and the same is hereby amended by reconfirming the classification of the lands located in the former Village of Long Branch as described in Schedules 'A' and 'B' as Commercial-Avenues (C1-AV).
2. Notwithstanding the provisions of the Etobicoke Zoning Code, or the provisions of By-law No. 1055-2004 (The Avenues By-law), the following development standards shall now be applicable to the (C1-AV) lands described in Schedules 'A' and 'B' attached hereto:

A. Permitted Uses

All uses permitted under the Commercial-Avenues (C1-AV) of By-law 1055-2004 and shall also include: mixed use buildings, which shall include apartment buildings with grade related commercial and/or retail uses.

Notwithstanding above, the following uses shall be prohibited: all vehicle related uses, including public garages and rental agencies; service stations; drive through-facilities; monuments related to cemeteries; and adult video and massage parlours.

B. Building Setbacks

The minimum building setbacks shall not be less than the measurements shown on Schedule 'B' attached hereto.

A minimum 2.0 metres landscape strip shall be provided along the rear lot line abutting the RM1 and RMA zones, which shall allow stairs and a portion of the access driveway to be situated within the strip.

Parking structures, storage rooms, locker rooms and public amenity areas beneath the ground floor may have a zero (0) metre building setback.

Projections. Required building setbacks shall not be obstructed by any construction other than the following:

- (i) uncovered steps to grade, and minor projections as defined, extending a maximum of 1.5 metres from any exterior wall of a building provided they do not encroach onto abutting properties.
- (ii) open or enclosed balconies may have supporting decorative columns or piers projecting an additional 0.2 metres provided they do not encroach onto abutting properties
- (iii) open at grade landscape terraced areas and patios are permitted within any building setback contained in this By-law.
- (iv) the parking garage/structure is permitted within any building setback contained in this By-law

C. Density

The maximum Gross Floor Area (GFA) shall be 5.4 times the lot area.

D. Build-to Line

The Build-to Line, as defined, shall be a minimum of seventy (70) percent of the lot frontage abutting a public street.

E. Lot Frontage

No minimum or maximum lot frontage is required.

F. Lot Coverage

No minimum or maximum lot coverage is required.

G. Building Heights

For the purposes of this By-law, the maximum building heights permitted shall be as follows:

- (i) For the base portion of the building, shown as Part B on Schedule 'B', a maximum building height of five (5) storeys, which is limited to a maximum of 17 metres, excluding the items identified in the definition of **height**, shall be permitted.
- (ii) For the tower portion of the building, shown as Part A on Schedule 'B', a maximum building height of sixteen (16) storeys, which is limited to a maximum of 52 metres, excluding the items identified in the definition of **height**, shall be permitted.
- (iii) Where a building exceeds the first (1) storey height limit, all additional storeys above the first storey shall provide an additional total setback of 1.5 metres from the front lot line and flanking street side yard, where applicable.
- (iv) The mechanical penthouse shall have a maximum height of six and one half (6.5) metres.

H. Angular Plane

All buildings and structures shall be within a 45-degree angular plane measured from the rear lot line of the adjacent RM1 zoning category, which no building or structure shall be permitted.

I. Miscellaneous

(1) Main building entrances shall abut and be directly accessible to the public street.

(2) All vehicular access shall be restricted to the flanking street.

(3) The development shall provide two (2) square metres of indoor and/or outdoor residential amenity space, as defined, for each dwelling unit, and such space may be located at grade or above grade.

3. The following parking standards shall be applicable to the (C1-AV) lands described on Schedules 'A' and 'B', attached hereto.

A. Vehicular Parking

Vehicular parking shall be provided subject to Section 4A of By-law 1055-2004.

Visitor parking may be provided on the surface or below grade in an underground parking garage.

B. Bicycle Parking

Bicycle parking shall be provided subject to Section 4B of By-law 1055-2004.

4. For the purposes of the By-law, the following definitions shall apply:

‘Minor projections’ means minor building elements which may project from the main wall of the building into required yards, including but not limited to roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows.

‘Height’ shall mean the vertical distance between grade and the highest point of the roof surface of the building, but shall exclude mechanical equipment, mechanical penthouses, elevator shafts, parapets, stairs and stair enclosures located on the roof of the building and may include architectural elements such as spires, pergolas and trellis’.

‘Grade’ shall mean the average elevation of the natural, unaltered elevation of the ground level at the intersection of the side lot lines and the minimum front yard setback.

‘Mixed Use Building’ shall mean a building containing grade related commercial or retail uses, with residential units above.

‘Build-to Line’ shall mean the area of the lands within which a streetwall of a building or structure shall be located.

‘Streetwall’ shall mean any exterior wall of a building abutting a public street.

‘45 degree Angular Plane’ shall mean a point originating at the rear lot line abutting the single family residential zoning category (RM1) and projecting at a 45 degree angle toward Lake Shore Boulevard West.

‘Indoor Residential Amenity Space’ shall mean a multi-purpose room or contiguous multi-purpose rooms, at least one of which contains a kitchen and a washroom.

‘Front Yard’ for the purposes of this By-law, Lake Shore Boulevard West shall be deemed as the front yard.

‘Gross Floor Area’ shall mean the same meaning as the Etobicoke Zoning Code definition contained in Section 304-3, except that the following areas shall also be excluded: mechanical floor area; indoor day nurseries/community facilities; and indoor amenity areas.

5. Where the provisions of the Etobicoke Zoning Code and By-law 1055-2004 conflict with the provisions of this By-law, the provisions of this By-law shall prevail.
6. All provisions regarding fencing shall be subject to the City of Toronto Municipal Code-Chapter 447, Fences.

7. Section 37 Agreement

Public Benefit

The owner of the land will be required to provide the City with a cash contribution of \$200,000.00. Pursuant to Councils Implementation Guidelines, adopted in December 2005, the money will be directed towards specific City initiatives in the local area. In this case, \$100,000 will be used for improvements, above and beyond the parkland dedication portion, to Marie Curtis Park, while the remaining \$100,000 will be directed to the City’s “Percent for Public Art Program” for public art/ a gateway feature along Lake Shore Boulevard. The owner of the site shall provide the City of Toronto with the following facilities, services and matters, which would otherwise have been required in the absence of using Section 37 and are secured in the Section 37 agreement because it serves as a convenient legal mechanism:

Sidewalk and Streetscape Improvements

The applicant agrees to design and construct to the satisfaction of the Chief Planner of City Planning and Director of Technical Services, Etobicoke York District sidewalk and streetscape improvements along its public frontages to current city standards.

3. Execution and Registration of Section 37 Agreement

The Owner of the Site shall enter into an Agreement with the City of Toronto pursuant to Section 37 of the Planning Act, to secure the facilities, services, and matters provided for under subsection (2) herein and such Agreement shall be in a form satisfactory to the City and registered on title to the Site as a first priority, subject only to the fee interest of the Site.

- 8.** Chapter 324, Site Specifics, of the Etobicoke Zoning Code, is hereby amended to include reference to this By-law by adding the following to Section 324-1, Table of Site Specific By-laws:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
_____-2006 _____, 2006	Lands located on the south side of Lake Shore Boulevard West, between Forty First and Forty Second Streets.	To re-affirm the lands as Commercial- Avenues (C1-AV).

ENACTED AND PASSED this ____ day of ____, 2006.

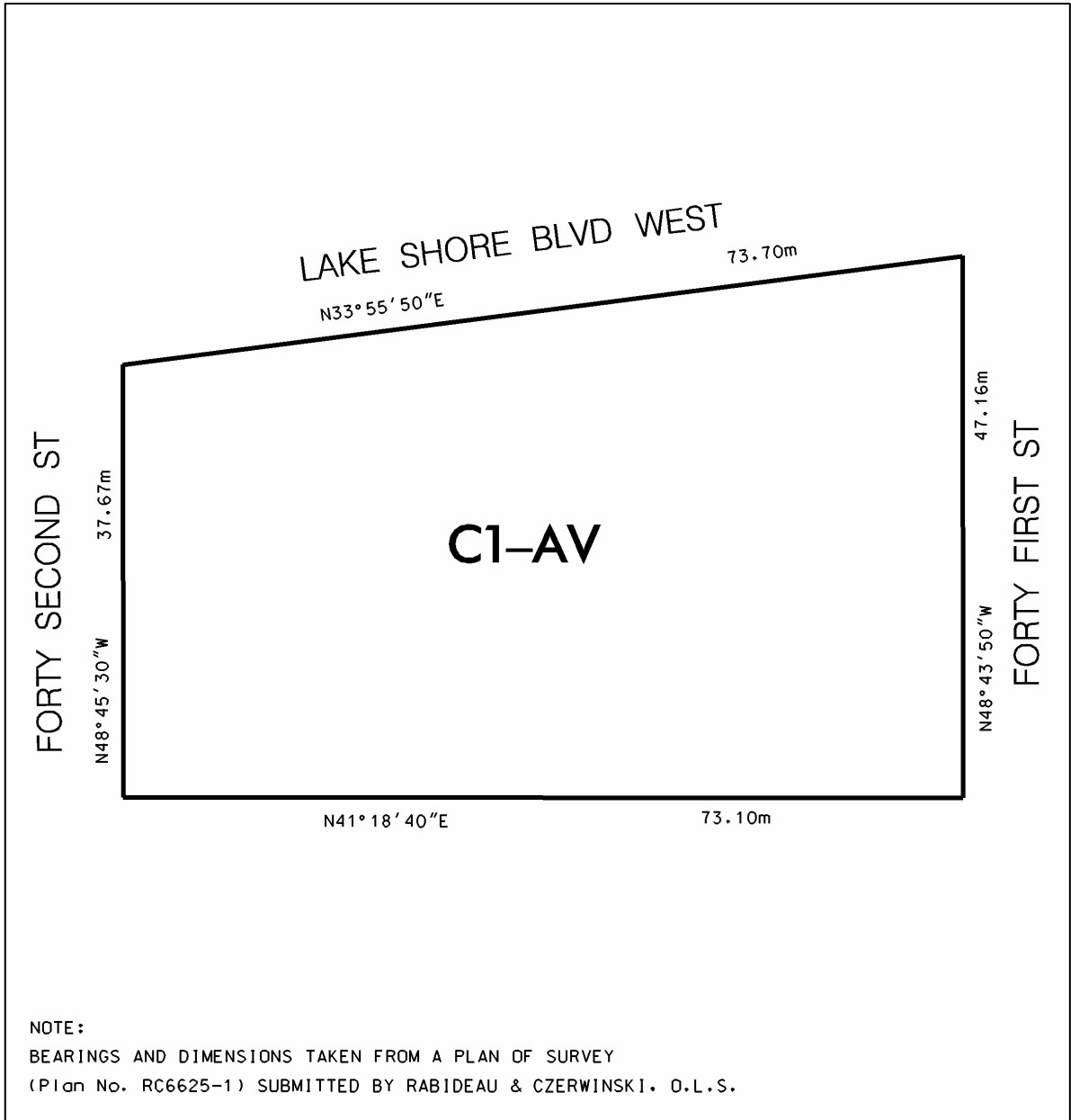
David Miller,

Ulli Watkiss,

Mayor
(Corporate Seal)

City Clerk

Toronto Schedule 'A' BY-LAW

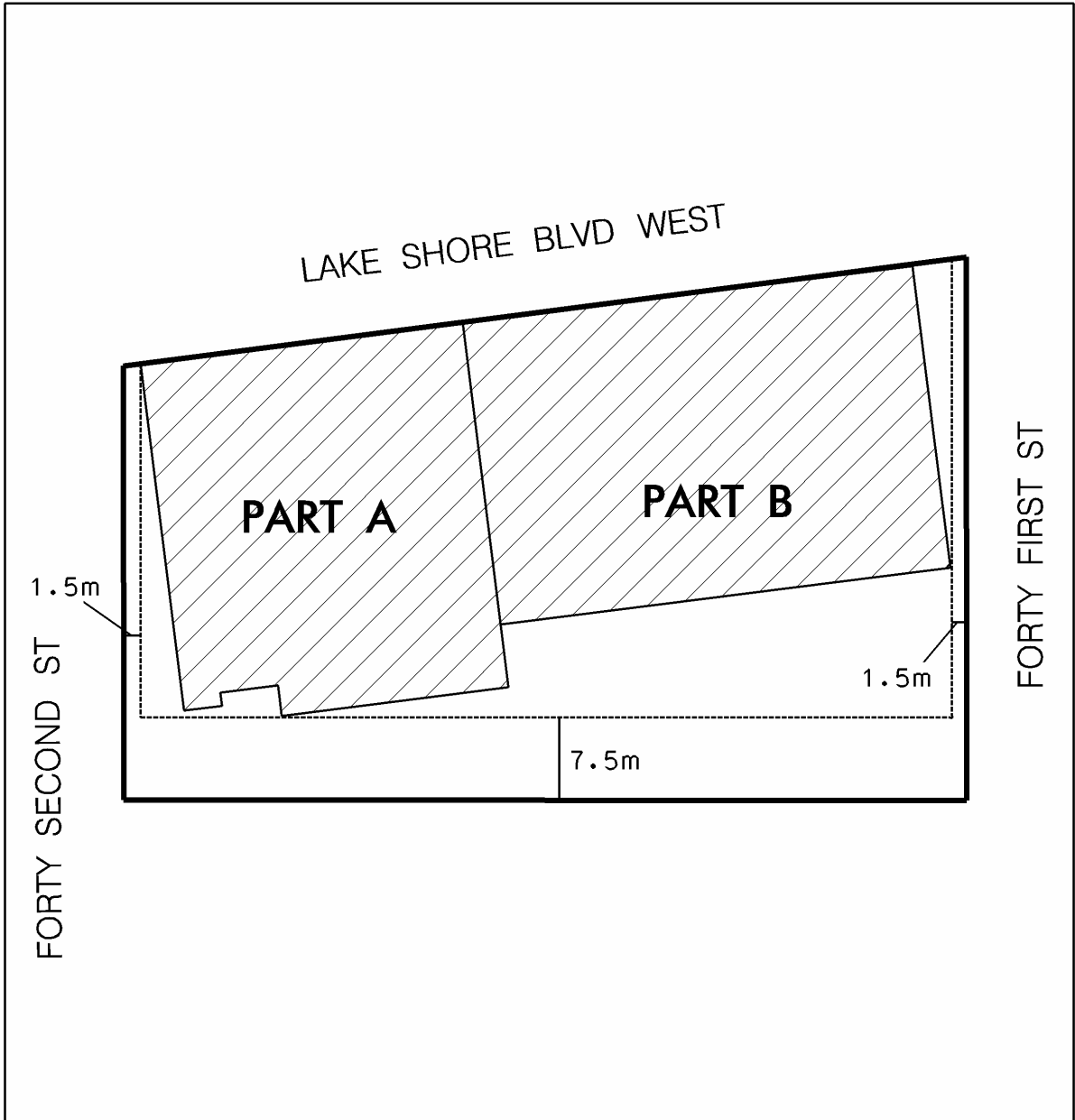


NOTE:
 BEARINGS AND DIMENSIONS TAKEN FROM A PLAN OF SURVEY
 (Plan No. RC6625-1) SUBMITTED BY RABIDEAU & CZERWINSKI, O.L.S.

**LOT 303 and PART OF LOTS 304 TO 307 Inclusive and
 PART OF UNNAMED ROAD ON REGISTERED PLAN 2172
 and PART OF LOT 11, BROKEN FRONT CONCESSION
 CITY OF TORONTO**

Applicant's Name:		WESTPORT BEACH DEVELOPMENT CORPORATION	
Assessment Map LB	Zoning Code Map/s LB-W	scale:	
File No. 05_133488	Drawing No. 05_133488_dz1		

Toronto Schedule 'B' BY-LAW



**LOT 303 and PART OF LOTS 304 TO 307 Inclusive and
PART OF UNNAMED ROAD ON REGISTERED PLAN 2172
and PART OF LOT 11, BROKEN FRONT CONCESSION
CITY OF TORONTO**

Applicant's Name:		WESTPORT BEACH DEVELOPMENT CORPORATION	
Assessment Map LB	Zoning Code Map/s LB-W	scale:	
File No. 05_133488	Drawing No. 05_133488_dz2		

Attachment 8: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Official Plan Amendment & Rezoning	Application Number:	05 133488 WET 06 OZ
Details	OPA & Rezoning, Standard	Application Date:	May 17, 2005

Municipal Address: 3857-3867 LAKE SHORE BOULEVARD WEST and 96 FORTY FIRST STREET
 Location Description: PL 2172 PT LTS 303 TO 305 (GRID W0605)
 Project Description: Official Plan Amendment and Re-Zoning to propose a sixteen storey, 157 unit residential condominium tower with ground floor retail and three levels of underground parking.

PLANNING CONTROLS

Official Plan Designation:	High Density Residential	Site Specific Provision:	Avenues OPA By-Law 1054-2004
Zoning:	C1-AV	Historical Status:	n/a
Height Limit (m):	20	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	3100.76	Height:	Storeys:	16
Frontage (m):	73.7		Metres:	54.5
Depth (m):	42.4			
Total Ground Floor Area (sq. m):	1877.52			Total
Total Residential GFA (sq. m):	16862.99		Parking Spaces:	199
Total Non-Residential GFA (sq. m):	814		Loading Area	1
Total GFA (sq. m):	17712			
Lot Coverage Ratio (%):	60.5			
Floor Space Index:	5.4			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	16862.99	0
Bachelor:	0	Retail GFA (sq. m):	849	0
1 Bedroom:	59	Office GFA (sq. m):	0	0
2 Bedroom:	98	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	157			

CONTACT: PLANNER NAME: Bill Kiru, Senior Planner
TELEPHONE: (416) 394-8230