

Authority: Etobicoke York Community Council Item EY5.1, as adopted by City of Toronto Council on May 5, 6 and 7, 2015

CITY OF TORONTO

Bill No. 568

BY-LAW No. -2016

To amend former City of Etobicoke By-law No. 1994-197, as amended, with respect to the lands municipally known as 2161-2165 Lake Shore Boulevard West.

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 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*; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the By-law and that will be permitted in return for the provision of facilities, services or matters as set out in the By-law; and

Whereas subsection 37(3) of the *Planning Act*, provides that, where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the Municipality may require the owner to enter into one or more agreements with the Municipality dealing with the facilities, services and matters; and

Whereas the owners of the lands referred to herein have elected to provide the facilities, services and matters as hereinafter set forth; and

Whereas the increase in height and density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by the By-law, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto;

The Council of the City of Toronto enacts:

Notwithstanding By-law 1994-197, as amended pursuant to an Ontario Municipal Board Order dated July 18, 1996, the following development standards apply to the lands zoned "MU" and "CL" attached hereto:

1. Definitions

The provisions of Section 304-3 Definitions of the Zoning Code, as amended, shall apply unless inconsistent with the provisions of this By-law or otherwise expressly defined herein. For the purposes of this By-law the following definitions will apply:

“Bicycle Parking Space” – means a resident – *bicycle parking space* or a visitor/commercial – *bicycle parking space*.

“Building Envelope” – means the building area permitted within the heights and setbacks established in this By-law.

“Grade” – as defined by By-law No.1994-197, as amended, pursuant to an Ontario Municipal Board Order dated July 18, 1996, Section 11(h), shall be the geodetic elevation of 83.7 metres above sea level at Lake Shore Boulevard West adjacent to the Lands.

“Height” – means, with respect to a building erected on the Lands, the vertical distance between Grade of the Lands as defined in this By-law and the highest point of the roof surface of the building, but excludes mechanical equipment, mechanical penthouses, elevator rooms, parapets, architectural elements, fences, stairs, stair enclosures, and recreational/amenity areas on the roof of such building, which are permitted a maximum of 7.5 metres above the maximum permitted building height.

"Lands" – shall mean the lands outlined by heavy lines on the attached Schedule 'A' attached hereto, and shall be deemed to include the combined Commercial and Mixed Use Development Site Areas of 18,431m² of Parcels 6 and 7 on Schedule 'C' of By-law No. 1994-197, and Street C and Street B and the Lakeshore Boulevard Widening for the purpose of permitted gross floor area and density, as shown on Schedule 'A-3' attached hereto.

“Lake Shore Boulevard Widening” – means part of the Lands to be conveyed to the City of Toronto to widen Lake Shore Boulevard West as shown on Schedule 'A-3' attached hereto.

“Laneway E” – means a private right-of-way for vehicular and pedestrian access subject to a public access easement on the Lands as shown on Schedule 'A-3' attached hereto.

“Loading Space – Type B” – shall mean a loading space with minimum length of 11 metres, a minimum width of 3.5 metres and vertical clearance of 4.0 metres.

“Loading Space – Type C” – shall mean a loading space with a minimum length of 6 metres, a minimum width of 3.5 metres and vertical clearance of 3.0 metres.

“Loading Space – Type G” – shall mean a loading space with a minimum length of 13 metres, a minimum width of 4 metres and vertical clearance of 6.1 metres.

“Mechanical Floor Area” – means a room or enclosed area, including its enclosing walls within a building or structure above or below grade that is used exclusively for the accommodation of heating, cooling, ventilation, electrical mechanical (other than escalators), elevator shafts and telecommunications equipment that serves a building on the Lands.

"Minor Projections" – means the minor structure or building elements which may project beyond the Building Envelope into required setbacks including roof eaves, window sills, railings, cornices, parapets, guard rails, balconies, terraces, landscaping, elements of a green roof, canopies, exterior stairs, and covered ramps to a maximum projection of 2 metres.

"Residential Amenity Space" – means a common area or areas within the Lands which are provided for the exclusive use of residents of a building for recreational or social purposes.

"Street C" – means part of the Lands for a future public road, 18.5 metres in width, to be conveyed to the City of Toronto as shown on Schedule 'A-3' attached hereto.

"Street B" – means part of the Lands for future public road, 18.5 metres in width to be conveyed to the City of Toronto as shown on Schedule 'A-3' attached hereto.

"Temporary Sales Office" – means a building, structure, facility or trailer on the Lands used for the purpose of the sale of dwelling units to be erected on the Lands.

"By-law No. 1994-197" – means the By-law No. 1994-197, as amended, pursuant to an Ontario Municipal Board Order dated July 18, 1996.

2. That By-law No. 1994-197, as amended, pursuant to an Ontario Municipal Board Order dated July 18, 1996, be further amended by substituting Schedule 'C' annexed hereto, in order to permit an increase in the number of residential units on Parcels 6 and 7.
3. That By-law No. 1994-197, as amended pursuant to an Ontario Municipal Board Order dated July 18, 1996, be further amended by Schedule 'D-3' annexed hereto, in order to permit an increased maximum height on portions of Parcels 6 and 7 classified Mixed-Use (MU).
4. Notwithstanding By-law 1994-197, the provisions of Schedule 'C' save and except as it applies to parcels 6 and 7 does not apply.
5. **Number of Units**
The maximum number of dwelling units permitted on the Lands shall be 660.
6. **Gross Floor Area**
Notwithstanding Subsections 3 and 11 of By-law No. 1994-197, as amended pursuant to an Ontario Municipal Board Order dated July 18, 1996, the following provisions shall more specifically apply to Parcels 6 and 7 as described in Schedules 'B' and 'C' attached hereto:
 - (a) Commercial Development Site shall mean the area of a parcel of land designated as (CL) on Schedules 'A' and 'A-3' attached hereto. For the purposes of density calculation, the Commercial Development Site shall be deemed to include the area shown on Schedule 'C' attached hereto.
 - (b) Mixed Use Development Site shall mean the area of a parcel of land designated as (MU) on Schedules 'A' and 'A-3' attached hereto. For the purposes of density calculation, the Mixed Use Development Site shall be deemed to include the area shown on Schedule 'C' attached hereto.

- (c) The Floor Space Index ('FSI') permitted shall be 2.9, and shall be calculated on the basis of the area of the Lands of 18,431 square metres which is the combined land areas of Parcel 6 and 7 as shown on Schedule 'C' of By-law No. 1994-197, as amended.
- (d) For the purpose of calculating gross floor area permitted on the Lands described in Schedule 'A-3', the following floor space may be excluded: Mechanical Floor Area, Residential Amenity Space, storage rooms above or below grade for bike parking, lockers and waste handling areas, vehicular parking below grade, and grade related commercial floor area on that part of the Lands zoned Mixed Use (MU).
- (e) The residential gross floor area of Towers "A" and "B" erected on that part of the Lands zoned Mixed Use (MU) shall not exceed 50,489 square metres.
- (f) The non-residential gross floor area of the building erected on that part of the Lands zoned Limited Commercial (CL) shall not exceed 2,828 square metres.
- (g) The combined residential and non-residential gross floor area of the buildings erected on the Lands shall not exceed 54,033 square metres.

7. Height

Notwithstanding By-law No. 1994-197, Schedule 'D', as amended pursuant to an Ontario Municipal Board Order dated July 18, 1996, the height of any building or structure, or portion thereof, shall not exceed those heights as indicated on the attached Schedule 'D-3'.

- (a) The Height of Tower "A", located within the centre of the Lands, and as measured from the established grade of Lake Shore Boulevard West adjacent to the Lands, shall not exceed the height of 159 metres shown on Schedule 'D-3'
- (b) The Height of Tower "B", located adjacent to Marine Parade Drive, and as measured from the established grade of Lake Shore Boulevard West adjacent to the Lands, shall not exceed the height of 47 metres shown on Schedule 'D-3'
- (c) The Height of the commercial building, adjacent to Lake Shore Boulevard West, and as measured from the established grade of Lake Shore Boulevard West, shall not exceed the height of 17 metres as shown on Schedule 'D-3'

8. Permitted Uses

In addition to the provisions of Sections 5, 6, 7, 8, 9 of By-law No. 1994-197, as amended pursuant to an Ontario Municipal Board Order dated July 18, 1996, the following uses shall also be permitted:

- (a) On Lands designated Mixed Use (MU) and Limited Commercial (CL):
 - (i) *Residential amenity space*, pedestrian walkways, fencing, underground

parking garages, and *bicycle parking spaces* at and below *grade*.

- (c) Ventilation shafts are prohibited to be located within the public right-of-way and pedestrian walkway locations.

9. Parking and Loading Requirements

Notwithstanding By-law No. 1994-197, as amended pursuant to an Ontario Municipal Board Order dated July 18, 1996, and Notwithstanding Sections 320-18, 320-19, and 320-23 of the Zoning Code, or any other provision of the Zoning Code relating to parking or loading which may be inconsistent with the following provisions, the following requirements shall apply to the Lands:

- (a) The following minimum parking requirements apply to dwelling units on the Lands:
 - (i) Bachelor dwelling units – a minimum of 0.7 parking spaces per dwelling unit
 - (ii) One bedroom dwelling units – a minimum of 0.8 parking spaces per dwelling unit
 - (iii) Two bedroom dwelling units – a minimum of 0.9 parking spaces per dwelling unit
 - (iv) Three or more bedroom dwelling units – a minimum of 1.1 parking spaces per dwelling unit
 - (v) An additional 0.15 parking spaces per dwelling unit shall be reserved for the use of visitors
- (b) 1 parking space per 100 square metres of commercial space shall be provided.
- (c) The reserved visitor parking can be shared with, and used to meet, the commercial parking requirement. The shared visitor/commercial parking supply shall be equal to the minimum visitor parking requirement or the minimum commercial parking requirement, whichever is higher.
- (d) Loading:

One Type 'B' loading space, one Type 'C' loading space and one Type 'G' loading space are required on the Lands.

10. Bicycle Parking

A minimum of 520 Bicycle Parking Spaces shall be provided as follows:

- (a) Commercial Building
 - Occupant: 4
 - Visitor: 12

- (b) Tower "A"
 Residential: 302
 Visitor: 76
- (c) Tower "B"
 Residential: 95
 Visitor: 24
 Retail Occupant: 1
 Retail Visitor: 6

11. Amenity Area

Recreational Amenity Space shall be provided as follows:

- Tower "A": A minimum of 1,004 square metres of indoor Recreational Amenity Space
 A minimum of 1,004 square metres of outdoor Recreational Amenity Space
- Tower "B": A minimum of 322 square metres of indoor Recreational Amenity Space
 A minimum of 322 square metres of outdoor Recreational Amenity Space

12. Setbacks/Underground Garage

- (a) Notwithstanding the provisions of the Zoning Code, and Subsection 11(k) of By-law No. 1994-197, as amended pursuant to an Ontario Municipal Board Order dated July 18, 1996, the setbacks for buildings shall be provided as follows:

Commercial Building adjacent to Lake Shore Boulevard West

- (i) 2.5 metres from the future road widening along Lake Shore Boulevard West at the ground level.
- (ii) 2.5 metres from the future road widening along Lake Shore Boulevard West for all floors above the ground floor level.

Tower "A" – point tower adjacent to Street "C"

- (i) 4.0 metres from the future road allowance of Street "C"
- (ii) 2.0 metres from the future road allowance of Street "B"

Tower "B" – tower adjacent to Marine Parade Drive

- (i) 4.0 metres from the future road allowance of Street "C"
- (ii) 2.0 metres from the future road allowance of Street "B"
- (iii) 6.0 metres from Marine Parade Drive

- (b) Minor Projections shall be permitted subject to Section 1 – Definitions of the By-law.
- (c) The underground garage is permitted to extend the full extent of Parcel 6 and 7 as identified on Schedule 'B', including below public and private right-of-ways.

13. Tower Floorplate

The floorplate of the tower element of Tower "A", shall not exceed 750 square metres, excluding balconies.

- 14.** Where the provisions of this By-law conflict with the provisions of the By-law 1997-194, the provisions of this By-law shall apply.

- 15.** Within the lands shown on Schedule 'A' attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

16. Section 37

- (a) Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law on the lands shown on Schedule 'A' (being the "Site") are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the Site of the facilities, services and matters set out in this Section, subject to and as secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act* and in a form satisfactory to the City, with conditions providing for indexed escalation of financial contributions where applicable, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement. Upon execution and registration of an agreement or agreements with the owner of the Site, pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out herein, the Site is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements. The owner of the Site, at the owner's expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit the increase in gross floor area and height authorized the owner may not erect or use such building until the owner has satisfied the said requirements. The owner of the Site, at the owner's expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities,

services and/or matters on terms satisfactory to the City of Toronto, in order to permit the increase in gross floor area and height authorized under this By-law:

- (i) A cash contribution of \$500,000 and allocated as set out below:
 - a. a cash contribution of \$250,000 to be paid to the City prior to the issuance of the first above-grade Building Permit for Tower B as described in Schedule "B", and to be used for local park improvements and/or local trail improvements, as determined by the Chief Planner, in consultation with the Ward Councillor; and
 - b. a cash contribution of \$250,000 to be paid to the City prior to the issuance of the first above-grade Building Permit for Tower B as described in Schedule "B", and to be used for Public Art in Humber Bay Shores Park and coordinating with the Humber Bay Shores Park Trail Improvements initiative, as determined by the Chief Planner, in consultation with the Ward Councillor, where:

“Public Art” shall include works of sculptured art, works of visual and graphic art, sculptured landscaping, fountains, and artistic treatment of publicly accessible areas including, without limitation, exterior publicly accessible areas (public sidewalks, exterior walls or other building elements), clearly visible at all times from publicly accessible areas, including but not limited to flooring, structure, lighting and street furnishings, provided such elements of work have been designed by or in collaboration with artists and selected by a process and are in accordance with a program recommended by the Toronto Public Art Commission through the Chief Planner and Executive Director, City Planning, and approved by City Council.
- (ii) A cash contribution for the design and construction of the Village Court East to a maximum amount of \$500,000, as determined by the Chief Planner, in consultation with the Ward Councillor, which amount shall be paid to the City prior to the issuance of the first above-grade Building Permit for Tower A as described in Schedule "B".
- (iii) Require that the cash contribution indexed in (i) and (ii) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
- (iv) In the event the cash contributions referred to in (i) and (ii) above has not been used for the intended purpose within three years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the Ward Councillor,

provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the property.

- (v) The following is also recommended to be secured in the Section 37 Agreement, as a legal convenience to support development:

The owner shall construct and maintain the development in accordance with the Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009.

17. Notwithstanding any severance, partition or division of the lands shown on Schedule 'A', the regulations of this By-law shall continue to apply to the whole of the Lands as if no severance, partition or division had occurred.
18. Chapter 324, Site Specifics, of the 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
XXXX-2016 June , 2016	Lands located on the east side of Lake Shore Boulevard West, north of Park Lawn Road, municipally known as 2161-2165 Lake Shore Boulevard West in the year 2015	To make modifications to increase the maximum gross floor area, number of units, building heights, and to reduce right-of-way widths to reflect the Humber Bay Shores Urban Design Guidelines Update

Enacted and passed on June , 2016

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

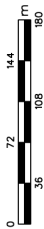
The Corporation of the City of Etobicoke
Schedule 'A' BY-LAW Number _____

Mayor _____

PART OF LOTS 'D', 'E' AND 'F'

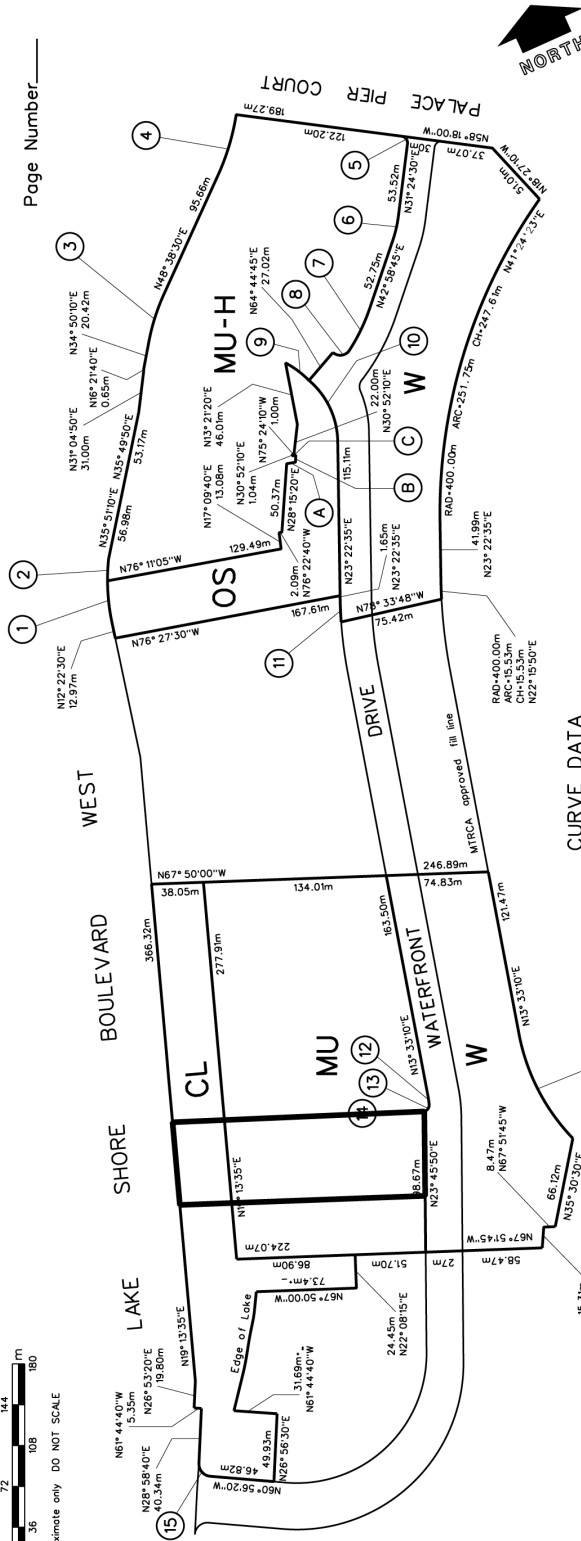
Clerk _____

Scale:



approximate only, DO NOT SCALE

Page Number: _____



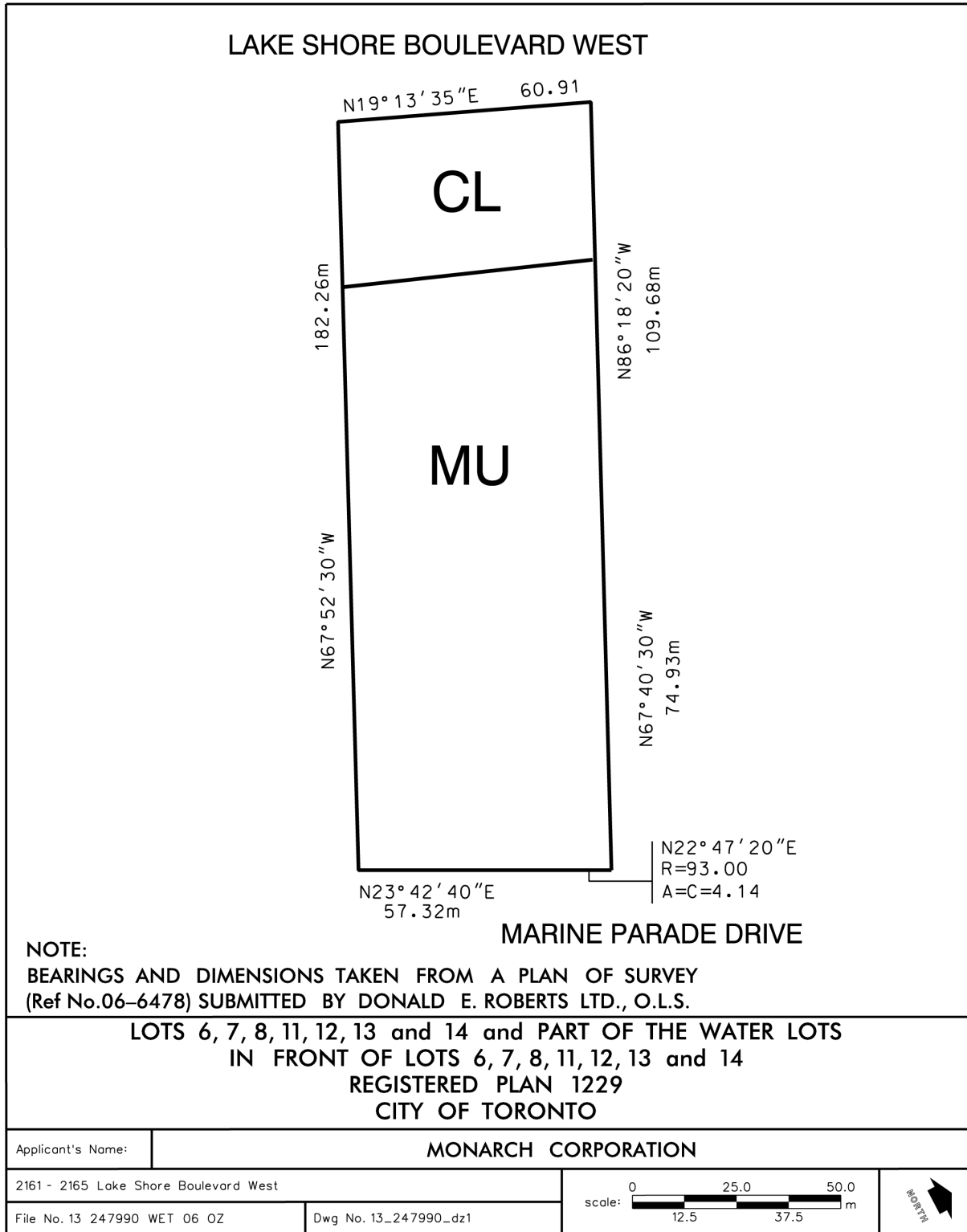
CURVE DATA

No.	RADIUS	ARC	CHORD	BEARING	No.	RADIUS	ARC	CHORD	BEARING
1	152.40m	29.79m	29.74m	N87°10'20"E	9	73.00m	23.32m	23.22m	N37°00'45"W
2	152.40m	16.00m	15.98m	N27°07'40"E	10	60.00m	50.92m	49.41m	N00°56'18"W
3	152.40m	37.39m	37.29m	N41°52'00"E	11	320.00m	17.90m	17.90m	N21°46'30"E
4	172.52m	46.37m	46.23m	N40°55'30"E	12	97.00m	7.26m	7.26m	N15°42'17"E
5	5.00m	7.82m	7.05m	N33°26'50"W	13	5.00m	6.98m	6.43m	N57°48'52"E
6	90.00m	18.18m	18.15m	N37°11'40"E	14	93.00m	4.68m	4.68m	N22°20'01"E
7	140.00m	34.34m	34.25m	N50°00'23"E	15	9.14m	14.07m	12.73m	N16°57'00"W
8	8.00m	13.86m	12.19m	N73°19'03"W					

LINE DETAIL

No.	DISTANCE	BEARING
A	6.52m	N75°26'30"W
B	5.12m	N27°25'00"E
C	2.66m	N75°24'10"W

NOTE:
BEARINGS AND DIMENSIONS HAVE BEEN COMPLETED FROM
DRAFT SURVEY PLANS 93.31 - 93.56 SUBMITTED BY
WILDMAN STEWART YOUNG LIMITED, O.L.S.
CAD DRAWING C:\USERS\MOSTRIP\BLAW\A2.DON NOVEMBER 20 1995



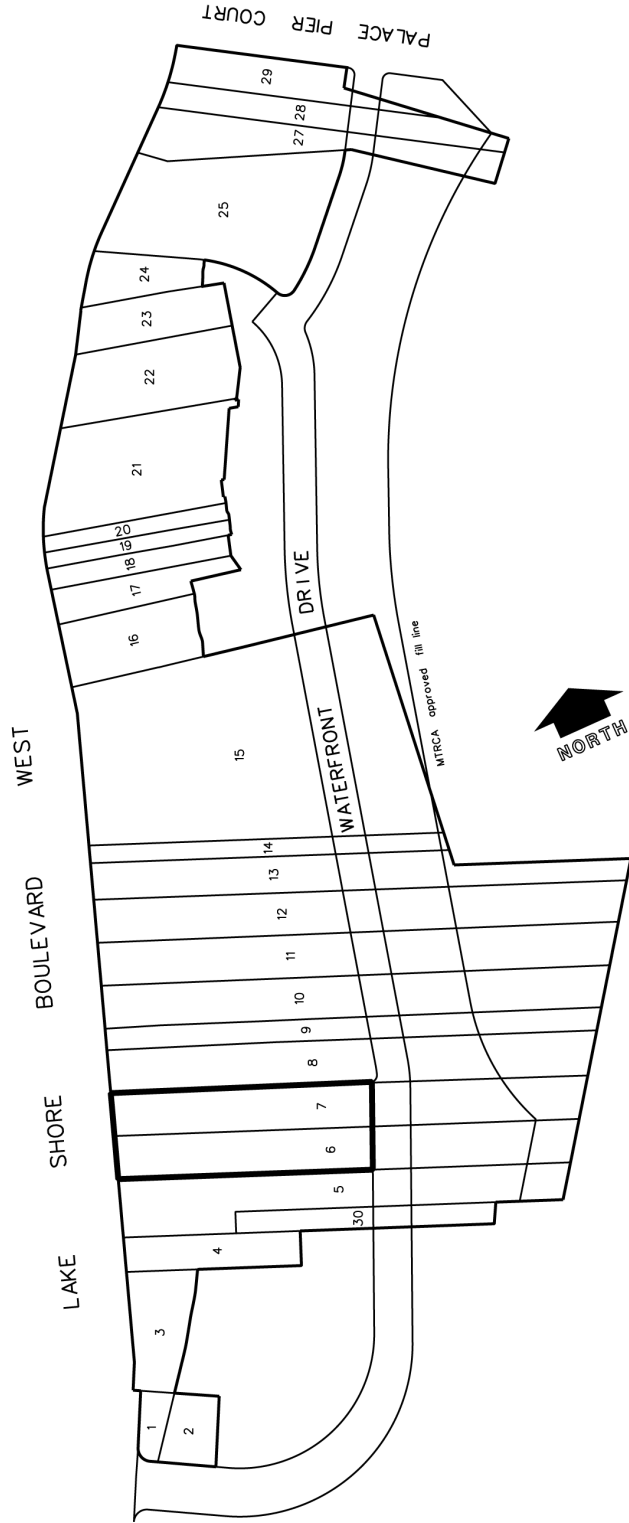
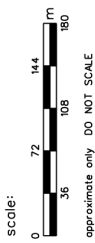
The Corporation of the City of Etobicoke
Schedule 'B' BY-LAW Number 1994-197

PART OF LOTS 'D', 'E' AND 'F'

_____ Mayor

_____ Clerk

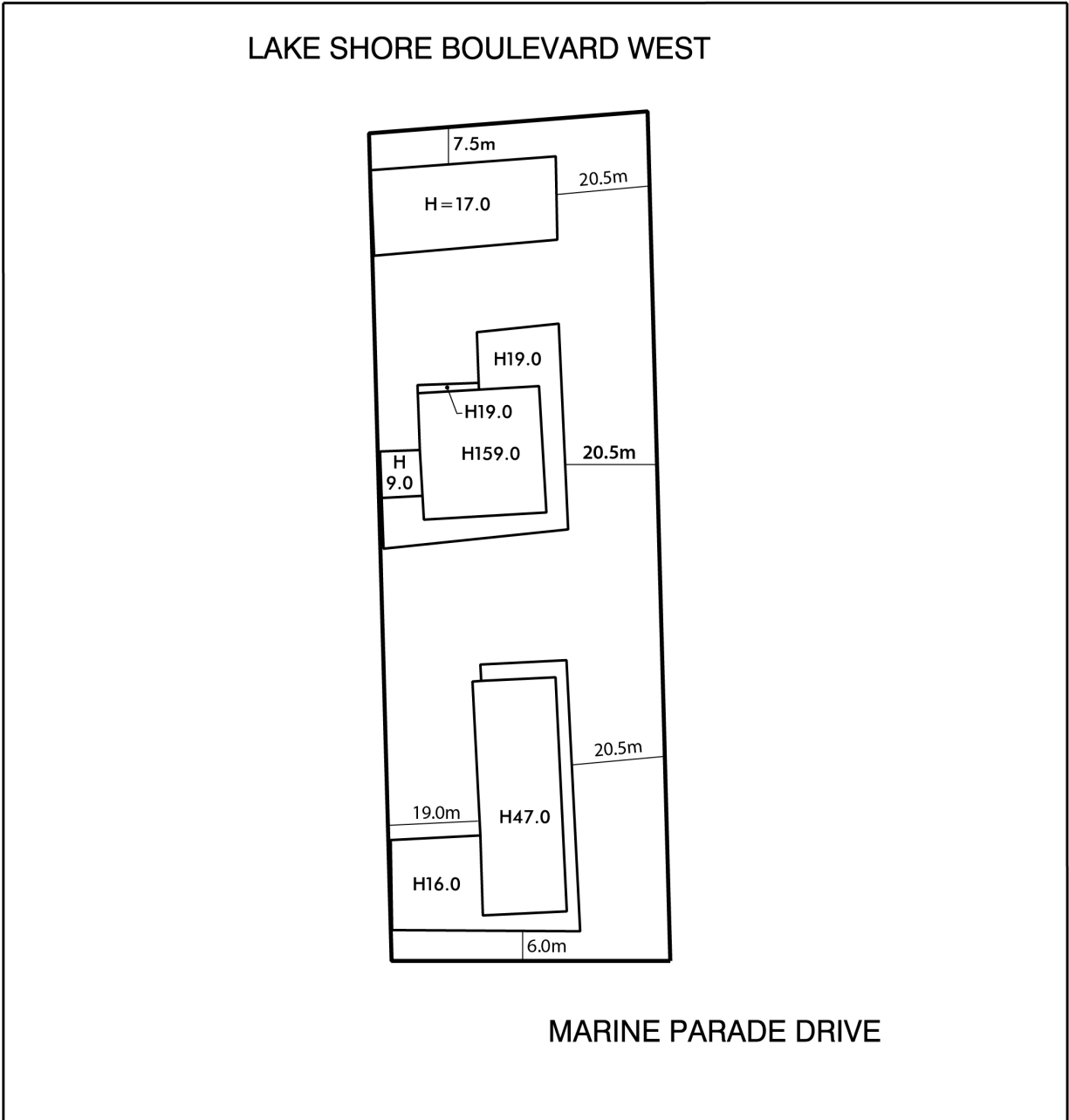
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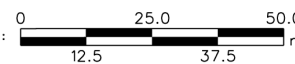

SCHEDULE 'C'

PARCEL	COMMERCIAL DEVELOPMENT SITE (m ²)	MIXED-USE DEVELOPMENT SITE (m ²)	NUMBER OF UNITS
1	1200	N/A	N/A
2	1600	N/A	N/A
3	5513	N/A	N/A
4	3032	N/A	N/A
5	1575	7171	118
6	1158	7781	660
7	1154	8338	
8	1158	8732	140
9	578	4392	71
10	1157	8472	140
11	1157	9029	149
12	1159	8754	144
13	984	6411	107
14	475	2675	43
18	N/A	1931	31
20	N/A	1529	25
21	N/A	11260	186
22, 23	N/A	9930	162
24	N/A	2369	40
25	N/A	11790	262 incl. 105 Seniors' Dwelling Units
27	N/A	5552	92
28	N/A	4328	72
29	N/A	3669	61
30	N/A	2500	41
TOTAL UNITS			2150

 **Schedule 'D-3' BY-LAW**



**LOTS 6, 7, 8, 11, 12, 13 and 14 and PART OF THE WATER LOTS
IN FRONT OF LOTS 6, 7, 8, 11, 12, 13 and 14
REGISTERED PLAN 1229
CITY OF TORONTO**

Applicant's Name:	MONARCH CORPORATION
2161 - 2165 Lake Shore Boulevard West	scale:  
File No. 13 247990 WET 06 OZ	Dwg No. 13_247990_dz2