

Authority: Etobicoke York Community Council Report 3, Clause 7,  
as adopted by City of Toronto Council on April 25, 26 and 27, 2006  
Enacted by Council: May 25, 2006

## CITY OF TORONTO

### BY-LAW No. 429-2006

**To amend Chapters 320 and 324 of the former City of Etobicoke Zoning Code, as amended, and Zoning By-law No. 1055-2004 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*;

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 No. 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 listed under Section 2A of By-law No. 1055-2004 shall be permitted.  
All uses listed under Section 2B of By-law No. 1055-2004 shall be prohibited.
  - 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 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, patios and architectural elements/entrance features 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 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;
- (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;

- (iii) Where a building exceeds the first 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 seven and one-tenth (7.1) metres.

#### H. Angular Plane

All buildings and structures shall be within the 45-degree Angular Plane measured from the rear lot 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 either indoor or outdoor residential Amenity Space 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 in Schedules 'A' and 'B' attached hereto:

#### A. Vehicular Parking

Vehicular parking shall be provided subject to Section 4A of By-law No. 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 No. 1055-2004.

### 4. For the purposes of this 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 and architectural elements such as spires, pergolas and trellises located on the roof of the building .

**‘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.

**‘Amenity Space’** shall mean a multi-purpose room or contiguous multi-purpose rooms, at least one of which contains a kitchen and a washroom within a building or any other recreation facility or green space.

**‘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 No. 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
  1. Public Benefit

The owner of the land will be required to provide the City with a cash contribution of \$200,000 to be used for park improvements to Marie Curtis Park and the City’s Public Art Program, which sum will be required to be paid prior to the issuance of an above-grade building permit for the land.

2. Execution and Registration of Section 37 Agreement

The Owner of the land 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 1 herein and such agreement shall be in a form satisfactory to the City and registered on title to the land as a first priority, subject only to the fee interest in the land.

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:

<b>BY-LAW NUMBER AND ADOPTION DATE</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>PURPOSE OF BY-LAW</b>
429-2006 May 25, 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).

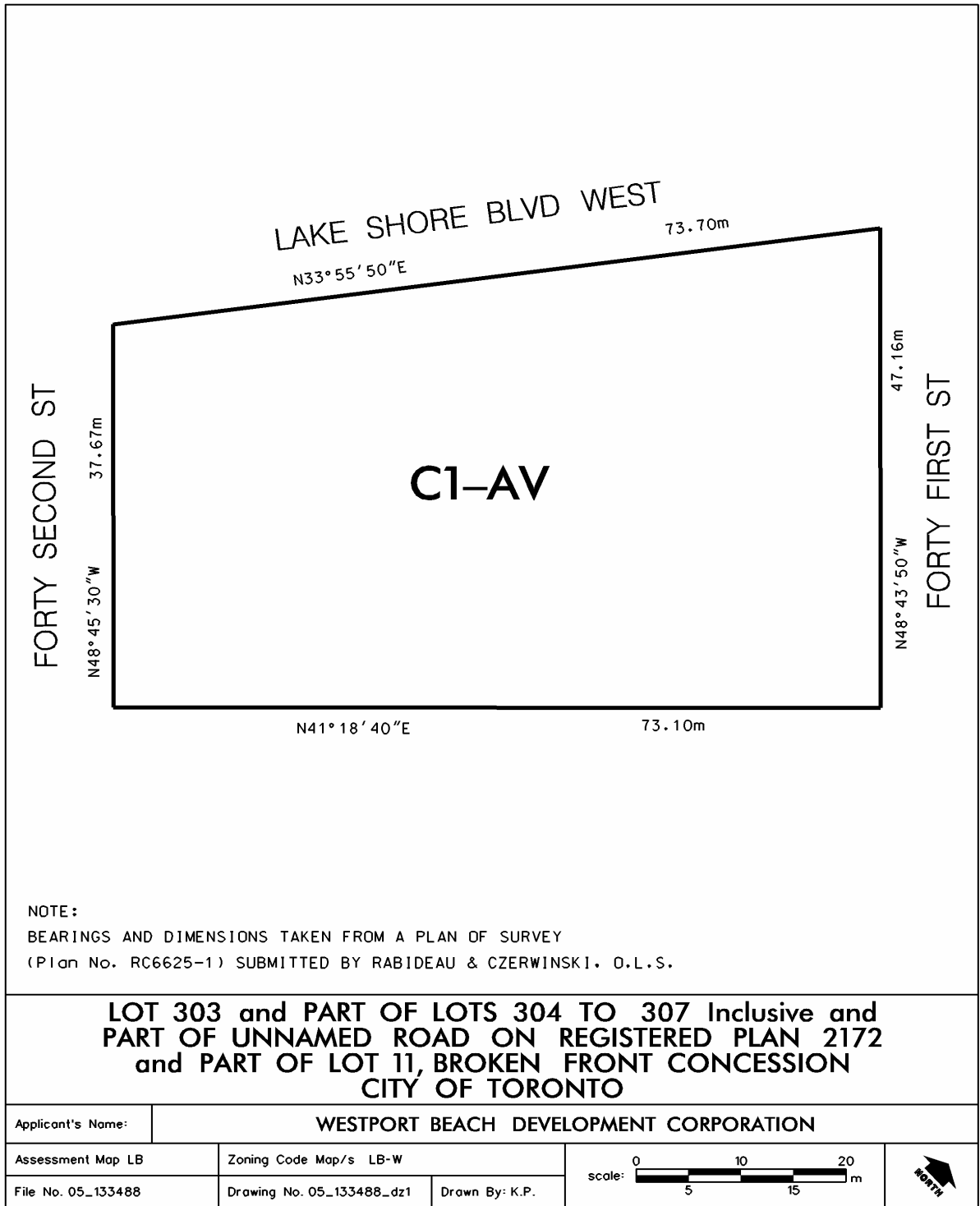
ENACTED AND PASSED this 25th day of May, A.D. 2006.

DAVID R. MILLER,  
Mayor

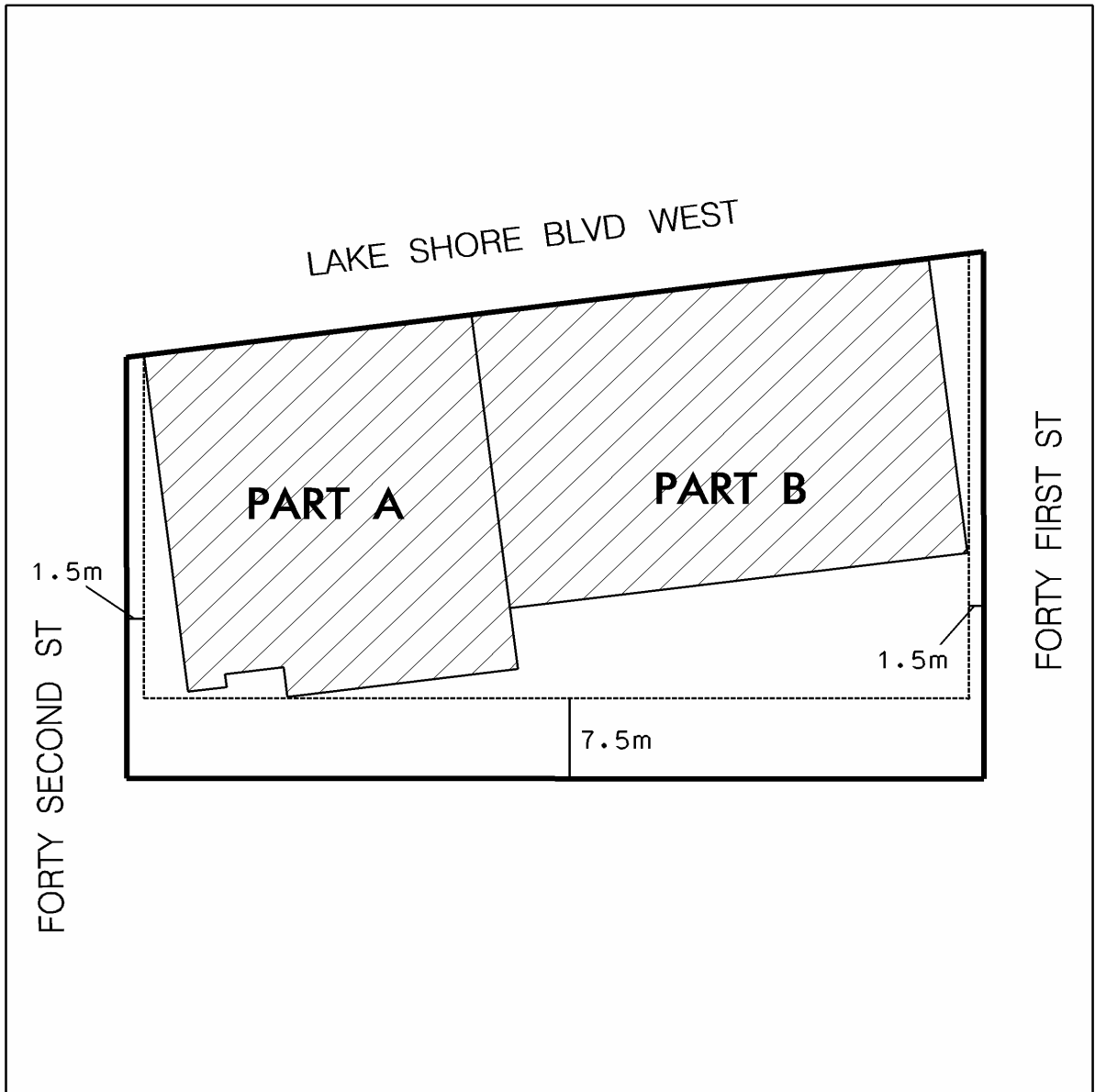
ULLI S. WATKISS  
City Clerk

(Corporate Seal)

**Toronto** Schedule 'A' BY-LAW



**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:		<b>WESTPORT BEACH DEVELOPMENT CORPORATION</b>	
Assessment Map LB	Zoning Code Map/s	LB-W	scale:
File No. 05_133488	Drawing No. 05_133488_dz2	Drawn By: K.P.	

