

Authority: Etobicoke York Community Council Item 39.21, adopted as amended,
by City of Toronto Council on August 25, 26 and 27, 2010
Enacted by Council: August 27, 2010

CITY OF TORONTO

BY-LAW No. 1137-2010

To amend Zoning By-law No. 1994-197, as amended, with respect to the lands municipally known as 2143 and 2147 Lake Shore Boulevard West.

WHEREAS authority is given to Council by Section 34 and 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Section 5.1.1 of the City of Toronto Official Plan contains provisions relating to the authorization of increases in height and density of development; 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 pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and 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 to be 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 HEREBY ENACTS as follows:

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:

"Building Envelope" — means the building area permitted within the 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 84.75 metres above sea level at Lake Shore Boulevard West and 78.40 at Marine Parade Drive.

"Height" — means, with respect to a building erected on the Lands, the vertical distance between the "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, and architectural elements, which is permitted at a maximum height of 7 metres above the maximum permitted height.

"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.

"Lands" — shall mean the lands outlined by heavy lines on the attached Schedule 'A-2' attached hereto.

"Lot" — means the Lands.

"Minor Projections" — means the minor structure or building elements which may project from a structure or building or part thereof into required yards, including roof eaves, window sills, railings, cornices, guard rails, canopies, balconies, exterior stairs and covered ramps, parapets to a maximum projection of 2.5 metres.

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 11 and 12.
3. 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 'D' annexed hereto, in order to permit an increased maximum height on portions of Parcels 11 and 12 classified Mixed-Use (MU-H).
4. **Height**

Notwithstanding By-law No. 1994-197, Schedule 'D', as amended pursuant to an Ontario Municipal Board Order dated July 18, 1996:

- (a) The Height of Building "A", adjacent to Marine Parade Drive, as measured from the established grade of Marine Parade Drive, shall not exceed the height of 58.5 metres shown on Schedule 'D'.
- (b) The Height of Building "B", located within the centre of the site, and as measured from the established grade of Lake Shore Boulevard West, shall not exceed the height of 154 metres as shown on Schedule 'D'.

- (c) The Height of Building "C", adjacent to Lake Shore Boulevard West, and as measured from the established grade of Lake Shore Boulevard West, shall not exceed the height of 23 metres as shown on Schedule 'D'.

5. 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 Limited Commercial (CL-H):
 - (i) pedestrian walkways, fencing, underground parking garages, bicycle parking spaces at and below grade.
- (b) On Lands designated Mixed Use (MU-H):
 - (i) An Apartment Building, live-work units, recreational amenity areas, 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.

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 11 and 12 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-H) on Schedule 'A' 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-H) on Schedule 'A' 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 3.12, and shall be calculated on the basis of the area of the Lands of 20,099 square metres which is the combined land areas of Parcel 11 and 12 as shown on Schedule 'C' of By-law No. 1994-197, as amended.

- (d) For the purpose of calculating the gross floor area permitted on the Lands described in Schedule 'A-2', Residential Amenity Space shall be excluded from gross floor area.
- (e) For the purpose of calculating the gross floor area permitted on the Lands as outlined in Schedule 'A-2', commercial floor space at grade on the MU-H portion of the Lands shall be excluded from gross floor area.
- (f) The residential gross floor area of the Building 'A' and Building 'B' building erected on the MU-H portion of the Lands shall not exceed 58,715 square metres.
- (g) The non-residential gross floor area of the building erected on the CL-H portion of the Lands shall not exceed 3935 square metres.
- (h) The combined residential and non-residential gross floor area of the building erected on the Lands shall not exceed 62,650 square metres.

7. Number of Units

The maximum number of dwelling units permitted on the Lands shall be 785.

8. Road Dedication

That By-law No. 1994-197, as amended be further amended by including Right-of-Way "A", an east-west road, located at the northern boundary of the site. Right-of-Way "A" will be 9.25 metres, on Schedule 'D' as illustrated on the map attached hereto.

9. Parking and Loading Requirements

Notwithstanding By-law No. 1994-197, as amended pursuant to an Ontario Municipal Board Order dated July 18, 1996, as well as 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) A minimum of 0.9 parking spaces per residential unit shall be provided.
- (b) A minimum of 0.085 spaces per unit residential unit shall be provided for the use of visitors.
- (c) 1 parking space per 48 square-meters of commercial space shall be provided.
- (d) One Type G loading space shall be provided.
- (e) Visitor residential parking and commercial office parking may be shared.

10. 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:

Building "A" - Adjacent to Marine Parade Drive

- (i) 6 metres from Marine Parade Drive at the ground level.
- (ii) 4 metres from Marine Parade Drive for all floors above the ground floor level to a level of 17.5 metres above the grade of Marine Parade Drive.
- (iii) 9 metres from Marine Parade Drive for all floors above a level of 17.5 metres above the grade of Marine Parade Drive.
- (iv) 3 metres from the future road allowance of Street "A".

Building "B" - Point Tower

- (i) 2 metres from the future road allowance Street "C".
- (ii) 0 metres from the future road allowance of Street "A".

Building "C" - Commercial Building adjacent to Lake Shore Boulevard West

- (i) 5 metres from the future road widening along Lake Shore Boulevard West at the ground floor level.
- (ii) 3 metres from the future road widening along Lake Shore Boulevard West for all floors above the ground floor level.
- (iii) 3 metres from the future road allowance of Street "A".

- (b) Minor Projections shall be permitted.
- (c) The underground garage is permitted to extend the full extent of Parcel 11 and 12 as identified on Schedule 'B', including below public and private right-of-ways.

11. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.

12. Section 37

- (a) The density and height of development permitted by this By-law is subject to the Owner of the Lands, at their expense, providing the following capital facilities, in accordance with and subject to the agreement referred to in Section 12 (c) hereof pursuant to Section 37 of the *Planning Act* in order to permit a residential development with a maximum Floor Space Index of 3.12; a maximum of 785 dwelling units. The contributions to be secured in the agreement pursuant to Section 37 of the *Planning Act* shall be as follows:
 - (i) the provision of a minimum of 60 of the parking spaces referred to in clause 9 (c) shall be publicly accessible parking spaces, subject to modifications as may be provided for in the agreement pursuant to Section 37 of the *Planning Act*.
- (b) Notwithstanding the date by which the Owner is required to satisfy any obligation under Section 12 of this By-law, nothing in this By-law shall prevent the Owner from obtaining a permit under the *Building Code Act* for demolition, shoring and excavation work only.
- (c) Prior to the issuance of a building permit, other than shoring, excavation, demolition and hoarding permits, the owner of the Lands shall enter into and register on title to the Lands an agreement with the City pursuant to Section 37 of the *Planning Act*, as a charge to secure the facilities, services and matters set forth in Section 12 (a) herein,

to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, prior to this By-law coming into full force and effect.

- 13.** 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
1137-2010 August 27, 2010	Lands located on the east side of Lake Shore Boulevard West, just north of Park Lawn Road, municipally known as 2143 and 2147 Lake Shore Boulevard West in the year 2010	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

ENACTED AND PASSED this 27th day of August, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

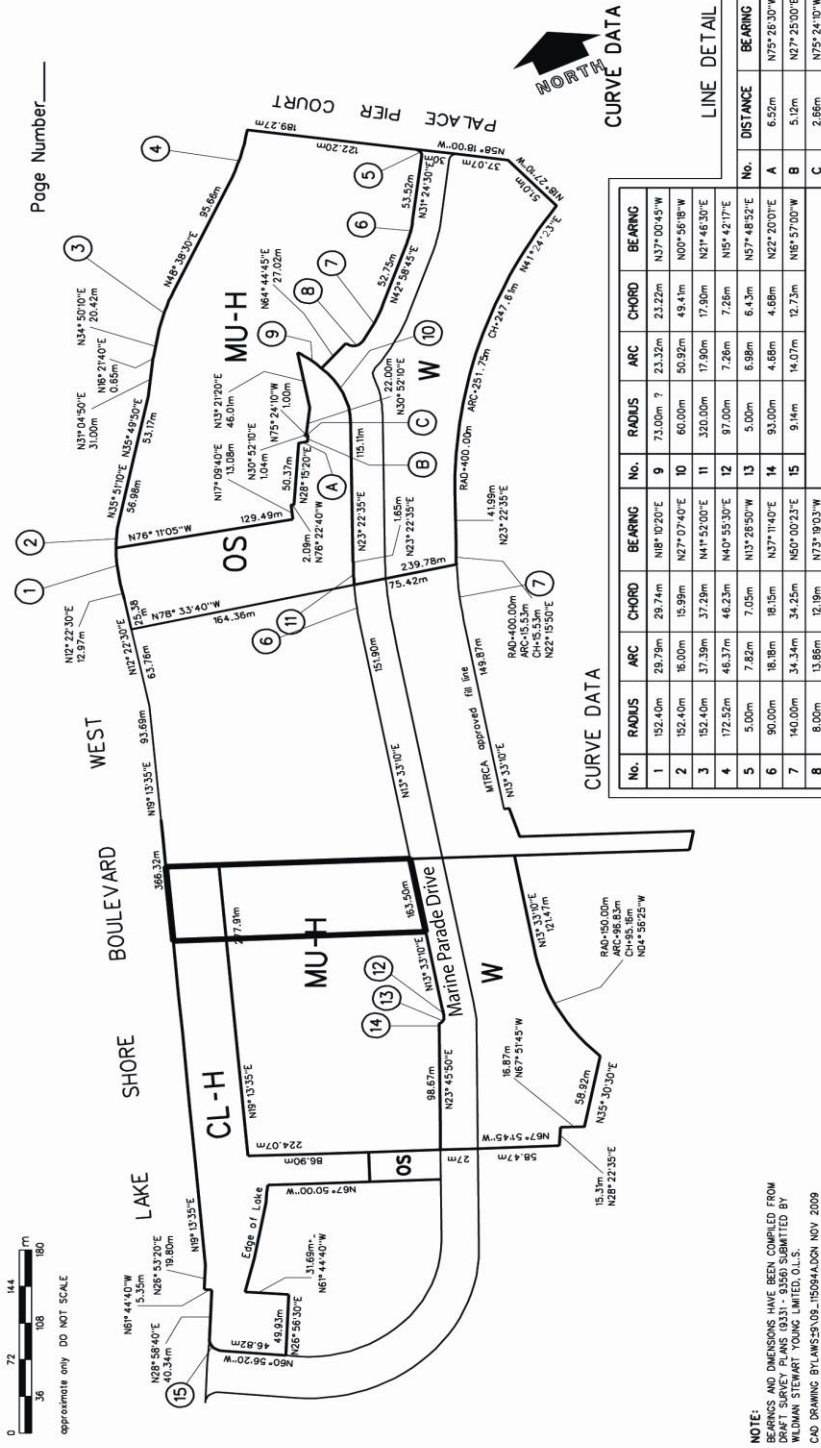
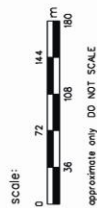
The Corporation of the City of Etobicoke Schedule 'A' BY-LAW Number 1994-197

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

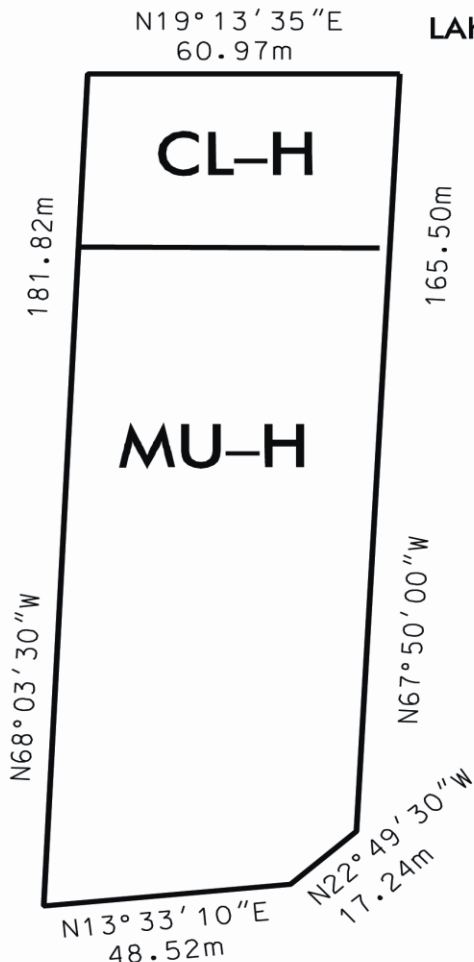


Mayor _____

Clerk _____

Page Number _____




Toronto Schedule 'A-2' BY-LAW

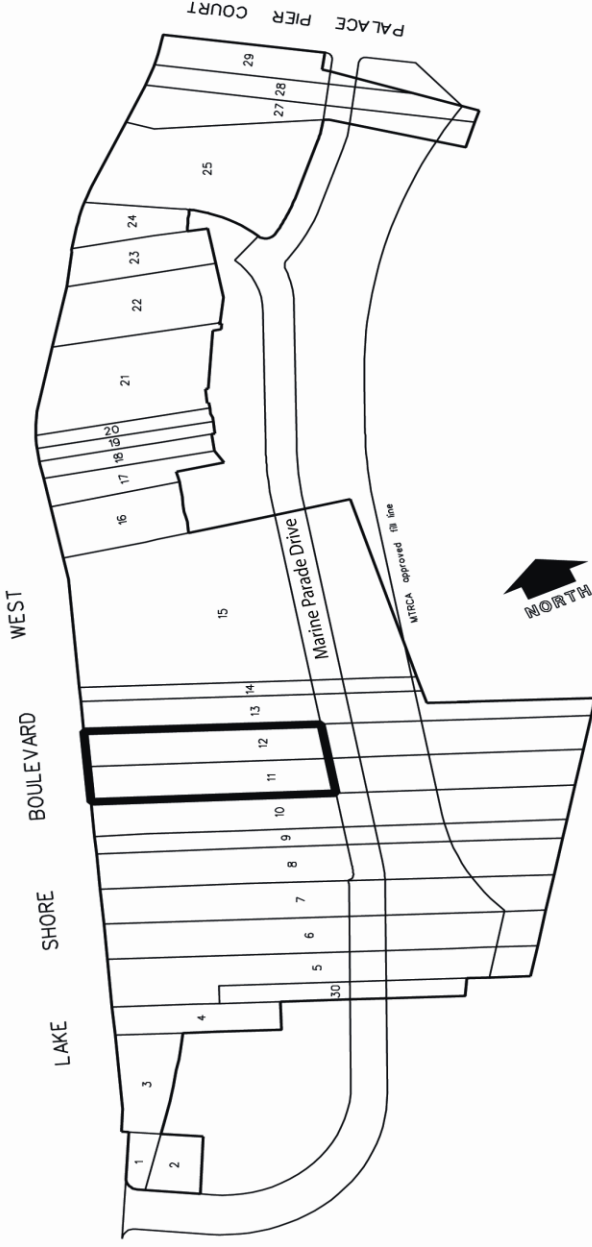
	
NOTE: BEARINGS AND DIMENSIONS TAKEN FROM A PLAN OF SURVEY (Job No.07-120) SUBMITTED BY RADY-PENTEK & EDWARD SURVEYING LTD.	
LOTS 2, 3, 4 AND 5 REGISTERED PLAN 1229 AND PART OF WATER LOTS 2, 3, 4, AND 5 REGISTERED PLAN 1229, CITY OF TORONTO	
Applicant's Name:	TOMMY CHANG
Assessment Map B10	2143 & 2147 LAKESHORE BOULEVARD WEST
File No. 09_115094	Dwg No.09_115094_dz1A
scale: 	
	

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

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

Scale:  0 36 72 144 m
 approximate only DO NOT SCALE

Mayor _____
 Clerk _____
 Page Number _____



LAKE SHORE BOULEVARD WEST

Marine Parade Drive

PALACE PIER COURT

NORTH

MTRCA approved 18 line

ByLaws/2009/09_115094dz2

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	930	3,357	289
5	1575	7,171	118
6	1158	7,781	127
7	1154	8,338	139
8	1158	8,732	408
9	578	4,392	71
10	1157	8,472	140
11,12	2316	17,783	785
13	984	6,411	107
14	475	2,675	43
18	N/A	1,931	31
20	N/A	1,529	25
21	N/A	11,260	186
22, 23	N/A	9,930	162
24	N/A	2,369	40
25	N/A	11,790	262 (incl. 105 Seniors Dwelling Units)
27	N/A	5,552	92
28	N/A	4,328	72
29	N/A	3,669	61
30	N/A	2,500	41
TOTAL UNITS			3,159

N.B. ALL PUBLIC RIGHTS-OF-WAY ARE SCHEMATIC ONLY