

Authority: Etobicoke York Community Council Item EY34.4, adopted as amended, by City of Toronto Council on July 8, 9, 10 and 11, 2014 and EY19.5, as adopted by City of Toronto Council on January 31, 2017

CITY OF TORONTO

BY-LAW 78-2018

To amend former City of Etobicoke Zoning By-law 1994-197, as amended, and Chapter 324 of the Etobicoke Zoning Code with respect to the lands municipally known as 2169 to 2173 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 enacts:

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 1994-197, as amended pursuant to an Ontario Municipal Board Order dated July 18, 1996, Section 11(h), shall be the geodetic elevation of 83.85 metres above sea level at Lake Shore Boulevard West;

"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;

"Indoor Amenity Space" - shall mean indoor space in a building that is communal and is provided for use by occupants of a building and their guests, on the Lands for recreational or social activities;

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

"Lot" - means the Lands as identified by a heavy black line on Schedule 'A' attached;

"Minor Projections" - means the minor structure or building elements which may project from a structure or building or part thereof into required yards but not beyond the property line, 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;

"Outdoor Amenity Space" - shall mean outdoor space on the Lands located at grade or on a landscaped roof of a building that is communal and is provided for the use of occupants of the building and their guests for recreational or social activities; and

"Privately-Owned Publicly-Accessible Space" - shall mean a Landscaped Open Space area, as shown on Schedule 'D-2', attached, which is open and accessible to the public at all times.

2. That By-law 1994-197, as amended pursuant to an Ontario Municipal Board Order dated July 18, 1996, be further amended by substituting Schedule 'C' attached, in order to permit an increase in the number of residential units on Parcels 5 and 30.
3. That By-law 1994-197, as amended pursuant to an Ontario Municipal Board Order dated July 18, 1996, be further amended by substituting Schedule 'D-2' attached, in order to permit an increased maximum height on portions of Parcels 5 and 30 classified Mixed-Use (MU-H).
4. Notwithstanding By-law 1994-197, the provisions of Schedule 'C', attached, save and except as it applies to Parcels 5 and 30 does not apply.

5. Height

Notwithstanding By-law 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 Lake Shore Boulevard West, shall not exceed the height of 131.1 metres shown on Schedules 'D' and 'D-2' attached;
- (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 24.5 metres as shown on Schedules 'D' and 'D-2' attached; and
- (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 10.5 metres as shown on Schedules 'D' and 'D-2' attached.

6. Permitted Uses

In addition to the provisions of Sections 5, 6, 7, 8, 9 of By-law 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; and
- (c) Ventilation shafts are permitted to be located within the public right-of-way provided that it does not interfere with a pedestrian walkway.

7. Gross Floor Area

Notwithstanding Subsections 3 and 11 of By-law 1994-197, as amended pursuant to an Ontario Municipal Board Order dated July 18, 1996, the following provisions shall more specifically apply to Parcels 5 and 30 as described in Schedules 'B' and 'C' attached:

- (a) Commercial Development Site shall mean the area of a parcel of land designated as (CL-H) on Schedule 'A' attached. For the purposes of density calculation, the Commercial Development Site shall be deemed to include the area shown on Schedule 'C' attached;

- (b) Mixed Use Development Site shall mean the area of a parcel of land designated as (MU-H) on Schedule 'A' attached. For the purposes of density calculation, the Mixed Use Development Site shall be deemed to include the area shown on Schedule 'C' attached;
- (c) The Floor Space Index ('FSI') permitted shall be 3.28, and shall be calculated on the basis of the area of the Lands of 11,246 square metres which is the combined land areas of Parcel 5 and 30 as shown on Schedule 'C', attached, of By-law 1994-197, as amended;
- (d) For the purpose of calculating the gross floor area permitted on the Lands described in Schedule 'A-2', attached, Indoor 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', attached, 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 35,200 square metres;
- (g) The non-residential gross floor area of the building erected on the CL-H portion of the Lands shall not exceed 1,620 square metres;
- (h) The combined residential and non-residential gross floor area of the building erected on the Lands shall not exceed 36,820 square metres;
- (i) For the purpose of calculation of gross floor area, the gross floor area shall also be reduced by the area on the Lands used for:
 - (i) parking, loading and bicycle parking below established grade;
 - (ii) required loading spaces at ground level and required bicycle parking spaces at or above established grade;
 - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (iv) shower and change facilities for bicycle parking spaces;
 - (v) elevator shafts;
 - (vi) garbage shafts;
 - (vii) mechanical penthouse; and
 - (viii) exit stairwells in the building.

8. Number of Units

The maximum number of dwelling units permitted on the Lands shall be 540.

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 metres of commercial space shall be provided;
- (d) Visitor residential parking and commercial parking may be shared;
- (e) Loading:

Building "A": one space measuring 13.0 metres in length, 4.0 metres in width and a vertical clearance of 6.1 metres; and

Building "C": one space measuring 11.0 metres in length, 3.5 metres in width and a vertical clearance of 4.0 metres.

10. Bicycle Parking

A minimum of 421 Bicycle parking spaces shall be provided as follows:

Residential: 324 spaces

Visitor: 81 spaces

Commercial:

Occupant: 4 spaces

Visitor: 12 spaces

11. Amenity Area

The following amenity space requirements shall apply to the Lands:

- (a) A minimum 2.0 square metres for each dwelling unit of Indoor Amenity Space shall be provided; and

- (b) A minimum of 2.0 square metres for each dwelling unit of Outdoor Amenity Space shall be provided, of which a minimum of 40 square metres is in a location adjoining or directly accessible to Indoor Amenity Space and of which up to a maximum of 215 square metres of Outdoor Amenity Space shall be provided to meet the Privately-Owned Publicly Accessible Space requirement in Clause 12 of this by-law.

12. Privately-Owned Publicly Accessible Open Space

- (a) A minimum of 970 square metres shall be provided as Privately-Owned Publicly-Accessible Space (POPS), as shown on Schedule 'D-2' attached.

13. Setbacks/Underground Garage

- (a) Notwithstanding the provisions of the Zoning Code, and Subsection 11 (k) of By-law 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" - Point Tower adjacent to Marine Parade Drive:

- (i) 2.0 metres from Marine Parade;
- (ii) 3.0 metres from the future road allowance Street "C";

Building "B" - 8-Storey Building adjacent to Street "C":

- (iii) 3.0 metres from the future road allowance Street "C";

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

- (iv) 2.5 metres from the future road widening along Lake Shore Boulevard West at the ground floor level; and
- (v) 2.5 metres from the future road widening along Lake Shore Boulevard West for all floors above the ground floor level;

- (b) Minor Projections shall be permitted; and
- (c) The underground garage is permitted to extend the full extent of Parcel 5 and 30 as identified on Schedule 'B', attached, including below public and private right-of-ways.

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

15. 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 as R6 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, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act and in a form satisfactory to the City, with 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 payment of \$500,000.00 for the purposes of the public benefit toward parks and local improvements in the Humber Bay Shores area, including but not limited to the design and construction of the future public park on the adjacent property at 2175 Lake Shore Boulevard West must be collected prior to the release of the first above grade building permit to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (ii) Notwithstanding the date by which the Owner is required to satisfy any obligation under Section 14 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; and
 - (iii) In the event the cash contributions referred to in a) 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 and the TRCA, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the property;

- (b) The following is also recommended to be secured in the Section 37 Agreement, as a legal convenience to support development:
- (i) The owner shall provide, at its own expense, a minimum area of 970 square metres of privately-owned publicly-accessible space (POPS) and public access easements to and over the POPS for members of the public. The public access easements are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances. The owner shall own, operate, maintain and repair the POPS. The owner shall install and maintain a centralized sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 12:01 a.m. 365 days of the year;
 - (ii) 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.

16. Chapter 324, Site Specifics, of the Zoning Code is amended to include reference to this By-law by adding the following to Section 324.1, Table of Site Specific By-laws:

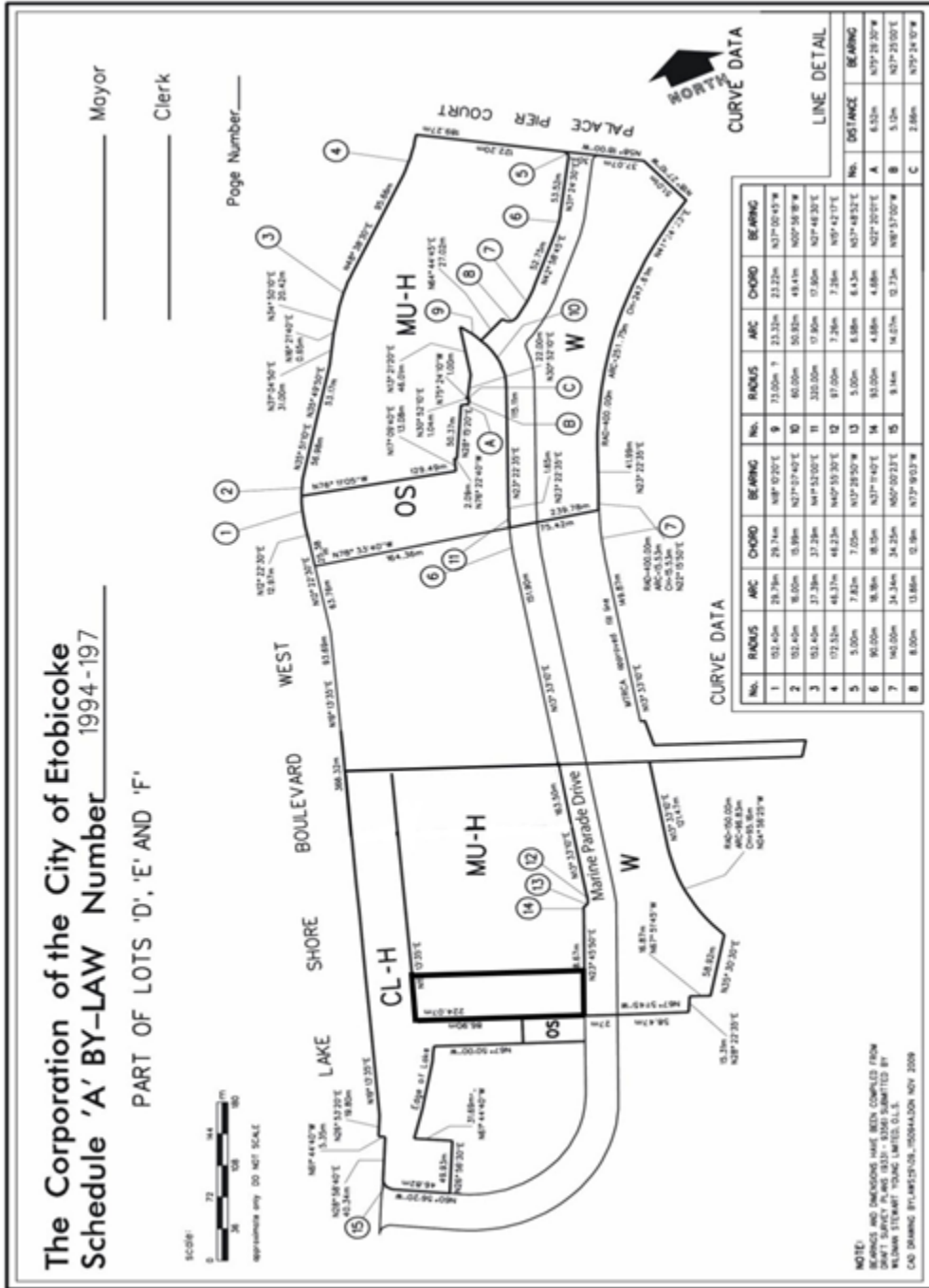
BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
78-2018 February 1, 2018	Lands located on the east side of Lake Shore Boulevard West, just north of Park Lawn Road, municipally known as 2169 to 2173 Lake Shore Boulevard West in the year 2012.	To make modifications to increase the maximum gross floor area and building heights and to reduce right-of-way widths to reflect the Humber Bay Shores Urban Design Guidelines.

Enacted and passed on February 1, 2018.

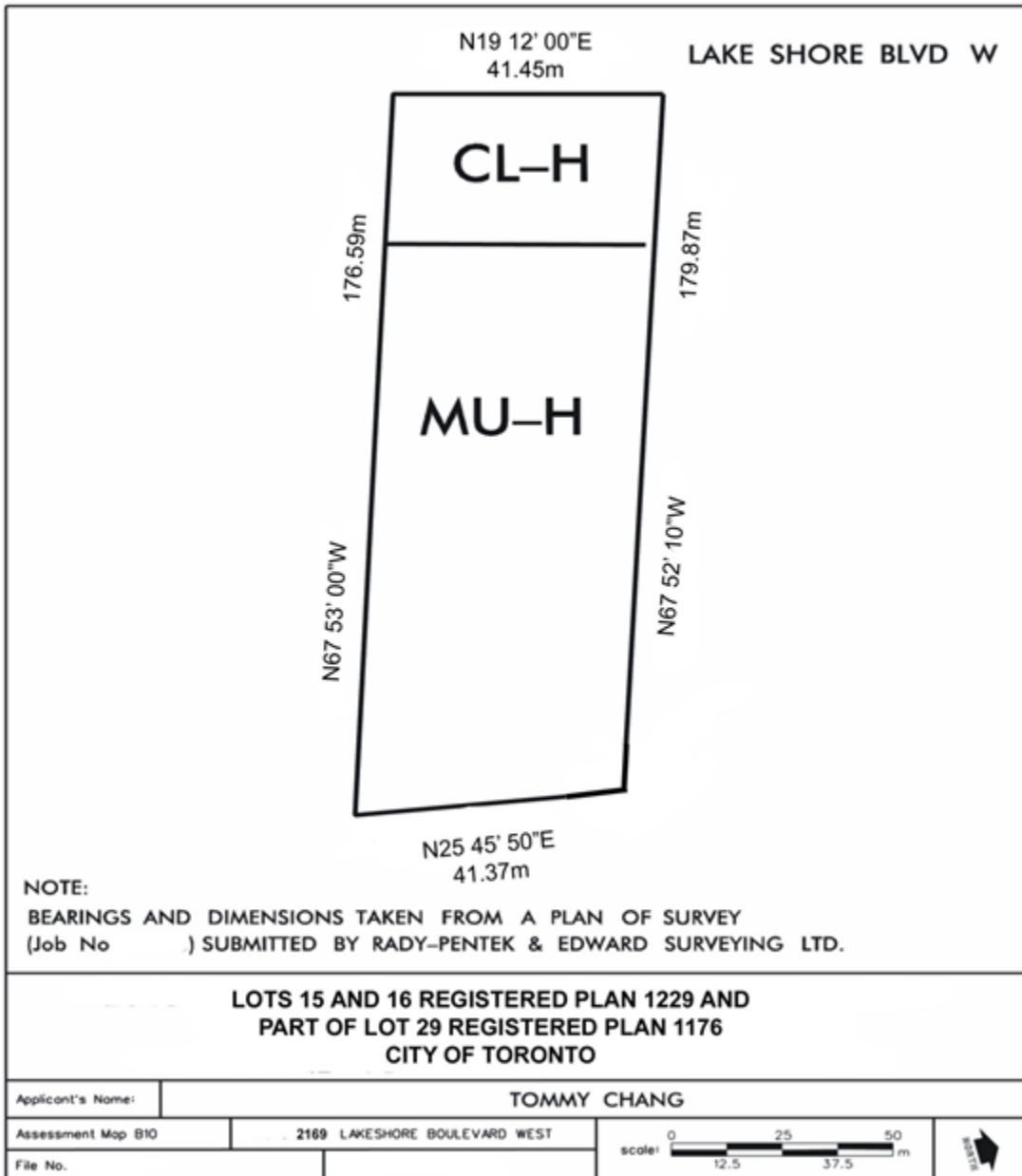
Frances Nunziata,
Speaker

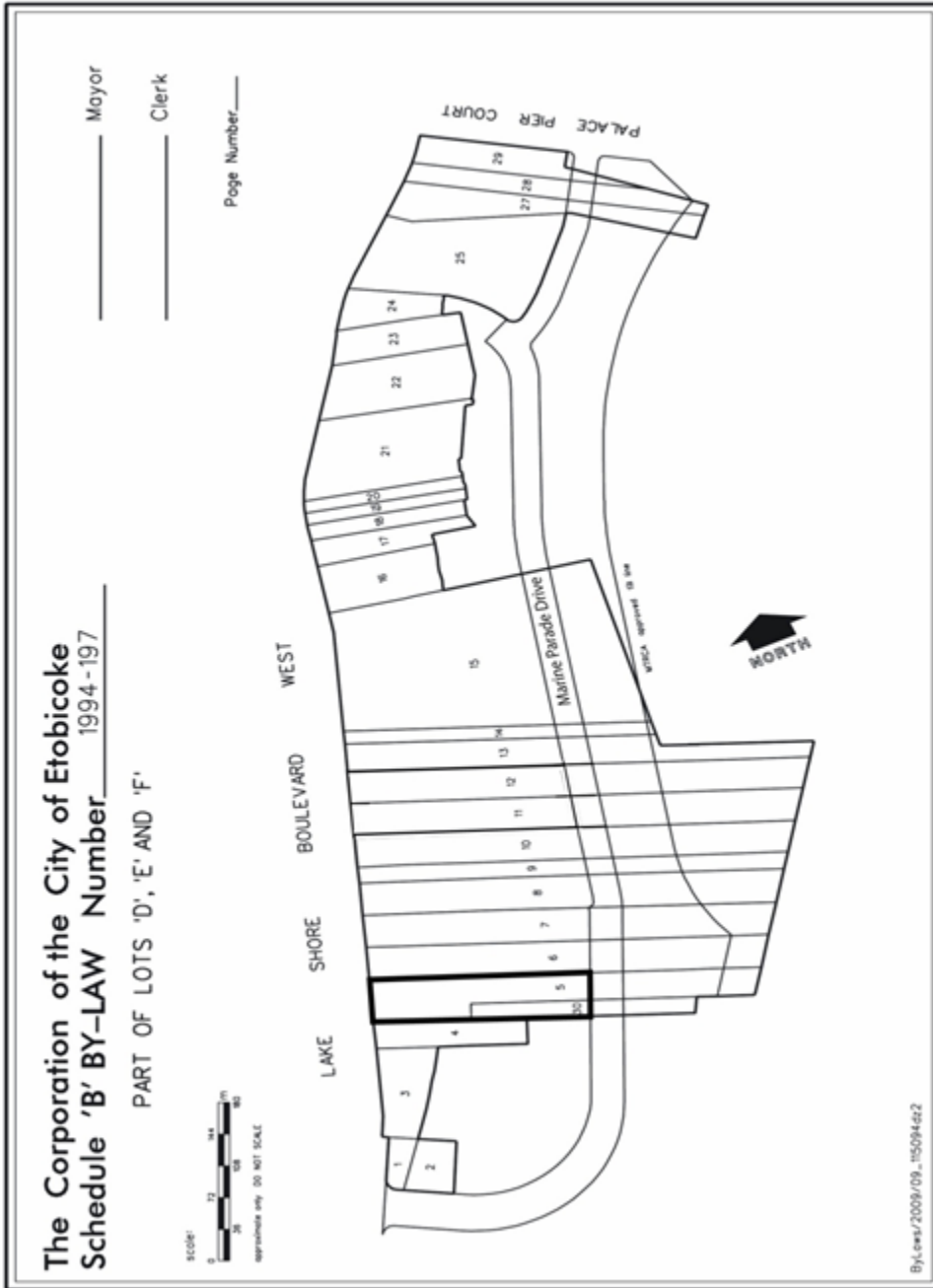
Ulli S. Watkiss,
City Clerk

(Seal of the City)



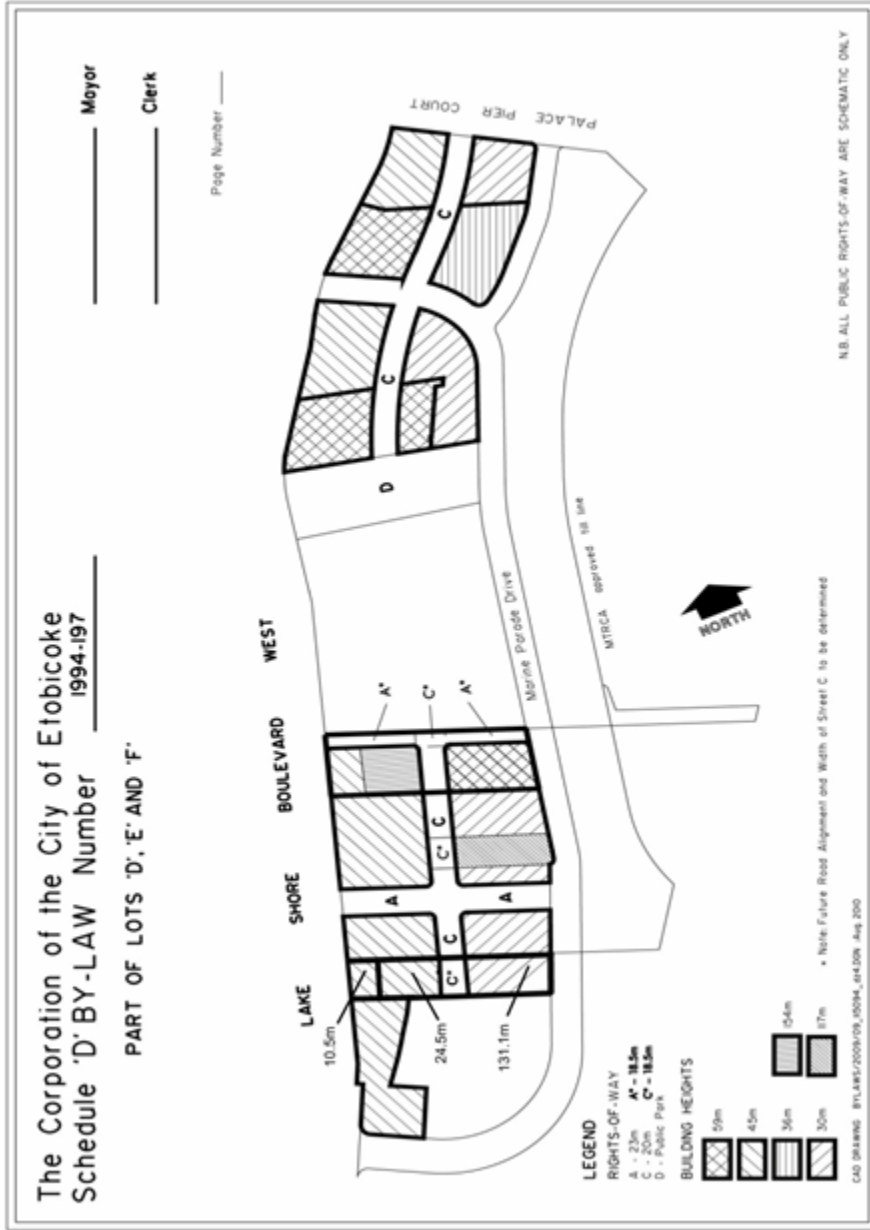
TORONTO Schedule 'A-2' BY-LAW





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, 30	1575	9,671	540
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
TOTAL UNITS			3,462



Toronto Schedule 'D-2' BY-LAW

