

Authority: Etobicoke York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 2009

Enacted by Council: ~, 2009

CITY OF TORONTO

BY-LAW No. ~-20

To amend the former City of Etobicoke Chapters 320 and 324 of the Etobicoke Zoning Code, as amended, with respect to the lands located within the Humber Bay Shores Development Area (formerly the Motel Strip) and municipally known as 2175 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*;

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 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;

THEREFORE 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:

“Accessory building/structure” – means a building or structure, not intended to be used for human habitation, located on the Lands, including covered ramps, exterior stairs and garbage enclosures, any accessory structures or erections permitted under Section 320-

76F of the Zoning Code, and also includes any private stair enclosure located in a publicly accessible open space or public park.

“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 83.50 metres above sea level.

“Height” - means, with respect to a building erected within the Building Envelope, 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, architectural elements, fences, stairs and stair enclosures located on the roof of such building;

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

“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, ventilating, electrical, mechanical (other than escalators), elevator shafts, or telecommunications equipment that serves only such building.

“Minor Projections”- means minor structure or building elements which may project from a structure or a building or a part thereof into required yards and beyond the Building Envelope setbacks, including roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, doors, including revolving doors, canopies, exterior stairs and covered ramps, parapets and vents to a maximum projection of 2 metres.

“Lands” - shall mean the lands outlined by heavy lines on the attached Schedule ‘A-2’ attached hereto.

“Lot” – means the Lands.

2. That the zoning map referred to in Section 320-5, Article II of the Zoning Code, and originally attached to the Township of Etobicoke By-law No. 11,737, is hereby amended by changing the classification of the lands municipally known as Part 4 on Plan 66R-17045, City of Toronto, and located in the former Township of Etobicoke as shown in Schedule 'A' annexed hereto from Fourth Density Residential (R4) to Public Open Space (OS).

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 'A' annexed hereto, in order to add the lands municipally known as Part 4 on Plan 66R-17045, City of Toronto.
4. 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 'B' annexed hereto, in order to add the lands municipally known as Part 4 on Plan 66R-17045, City of Toronto, to Parcel 4.
5. 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 increased residential gross floor area and number of units on Parcel 4.
6. 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 Parcel 4 classified Mixed-Use (MU-H).

7. Height

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

- (a) The Height of any building or structure, as measured from Grade, shall not exceed 110 metres.
- (b) The erection of a chimney stack or other heating, cooling or ventilating equipment; window washing equipment, mechanical penthouse and any fence, wall, erection or structure enclosing any of the foregoing individually or together; cornices, ornamental elements parapets and railings shall be permitted provided that the maximum height thereof does not exceed the sum of 10 metres plus the height limit in Section 7(a).

8. Permitted Uses

In addition to the provisions of Section 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) On Lands designated Public Open Space (OS):
 - (i) Underground parking garages, and accessory structures, including a private stair enclosure in whole or in part.
- (d) Ventilation shafts are prohibited to be located within the public right-of-way and pedestrian walkway locations.

9. 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 Parcel 4 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 net Floor Space Index ('FSI') permitted shall be 5.85, and shall be calculated on the basis of the area of the Lands.
- (d) For the purpose of calculating the gross floor area permitted on the lands described in Schedule 'A', Residential Amenity Space shall be excluded from gross floor area.
- (e) The residential gross floor area of the building erected on the MU-H portion of the Lands shall not exceed 24,275 square metres.
- (f) The non-residential gross floor area of the building erected on the CL-H portion of the Lands shall not exceed 775 square metres.
- (g) The combined residential and non-residential gross floor area of the building erected on the Lands shall not exceed 25,050 square metres.

10. Number of Units

The building shall contain a maximum of 289 dwelling units.

11. Parking and Loading Requirements

Notwithstanding By-law 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) 0.8 parking spaces per unit shall be provided for each one bedroom and, 1.0 parking spaces per unit shall be provided for each two or more bedroom unit, to a maximum of 288 resident parking spaces;
- (b) not less than 0.09 spaces per unit shall be reserved for the exclusive use of visitors to a maximum of 26 visitor parking spaces;
- (c) 1 parking space per 107 square-meters of commercial space to a maximum of 7 commercial parking spaces;
- (d) a maximum of 3 car-share parking spaces shall be provided at or below level.
- (e) the minimum vehicle parking stall dimensions shall be 2.6 metres wide, 5.6 metres in perpendicular length, with a minimum 6 metre wide access aisle.
- (f) one Type G loading space shall be provided.

12. 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:
 - (i) 0 metres from the future road widening along Lake Shore Boulevard West. Prior to the road dedication the front yard setback along Lake Shore Boulevard West shall be 4.96 metres.
 - (ii) 0 metres from the side Lot lines
 - (iii) 0 metres from the rear Lot line.
- (b) Below grade structures, including building footings, may be set back a minimum of 0 metres from the lot line.

- (c) Minor Projections shall be permitted.
 - (d) The underground garage is permitted to extend the full extent of Parcel 4 identified on Schedule B, including below public and private right-of-ways.
 - (e) Privately owned portions of right-of-ways may be built over.
 - (f) The stair enclosure located in a publicly accessible open space or public park shall have a maximum height of 1.5 metres as measured from Grade, and be located a minimum of 5 metres from the rear Lot line, and a minimum of 1 metre from the nearest side Lot line, and no length or width of the structure shall exceed 8.0 metres.
13. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
14. Section 37
- (a) The density and height of development permitted by this By-law is subject to the Owner of the land, at their expense, providing the following capital facilities, cash contributions not exceeding in the aggregate the sum of \$1,100,000 toward specific capital facilities and other facilities, services and matters in accordance with and subject to the agreement referred to in Section 14 (c) hereof pursuant to Section 37 of the *Planning Act* in order to permit a residential development with a maximum Floor Space Index of 5.85; a maximum number of dwelling units of 289 and a maximum height of 110 metres. The cash contributions shall be made as follows:
 - (i) \$600,000 for the proposed parkland improvements within Humber Bay Shores.
 - (ii) \$500,000 for public and parkland improvements in the local area related to recreational amenities and facilities and acquisition of parkland.
 - (iii) The Section 37 cash contributions as set forth in (a) above shall be payable upon the issuance of a building permit other than an excavation, demolition or hoarding permit.
 - (iv) The owner is required to submit an Addendum to the Microclimate Analysis indicating improved pedestrian wind levels, to the satisfaction of the Director, Community Planning, Etobicoke York District.
 - (v) Easements for vehicular rights of way on Laneway 'E' of the Humber Bay Shores Urban Design Guidelines Update and Public Realm Plan, July 2008 as adopted by City Council, be granted, and be registered on-title, through the necessary agreement, all to the satisfaction of the City Solicitor, Director of

Technical Services, and Chief Planner and Executive Director, City Planning.

- (vi) Mechanisms for the implementation, timing and dedication, costing and final design of the proposed road, to be provided for, and be registered on-title, through the necessary agreements, all to the satisfaction of the City Solicitor, Director of Technical Services, and Chief Planner and Executive Director, City Planning.
 - (vii) Register on-title to the property and to the satisfaction of the City Solicitor, in favour of the development the right to a driveway access to Lake Shore Boulevard West which is only for temporary purposes and is limited to in-right/out-right turning movements and that the City is not financially responsible for any loss or claim due to in respect thereof.
 - (viii) Register on-title to the property and to the satisfaction of the City Solicitor, a condition requiring that a permanent access to the site must be constructed in accordance with the accepted Precinct Plan upon completion of the construction of the 16.5 metre road (Street D). The temporary access to Lake Shore Boulevard West shall be closed and restored, all at the property owner's expense. The City is not financially responsible for any loss or claim due to these arrangements.
 - (ix) Prior to the issuance of any Site Plan Approval pursuant to Section 114 of the *City of Toronto Act, 2006*, for any portion of the Lands, require the securing of building materials for the proposed building, to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - (x) Resolution of a mechanism to secure the long term maintenance of the proposed park as associated with this application.
- (b) Notwithstanding the date by which the Owner is required to satisfy any obligation under Section 10 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) The owner of the Lands enters into and registers on title to the Land 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 14 (a) (i) to (x) 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.
15. 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
_____ - 2009	Lands located on the south side of Lake Shore Boulevard West, just east of Park Lawn Road, municipally known as 2175 Lake Shore Boulevard West.	To designate lands to Public Open Space (OS), and include the lands within By-Law 1994-197, as amended, to permit a mixed-use development, and public park.

ENACTED AND PASSED this ~ day of ~, A.D. 2009.

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

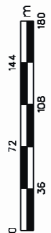
PART OF LOTS 'D', 'E' AND 'F'

Mayor _____

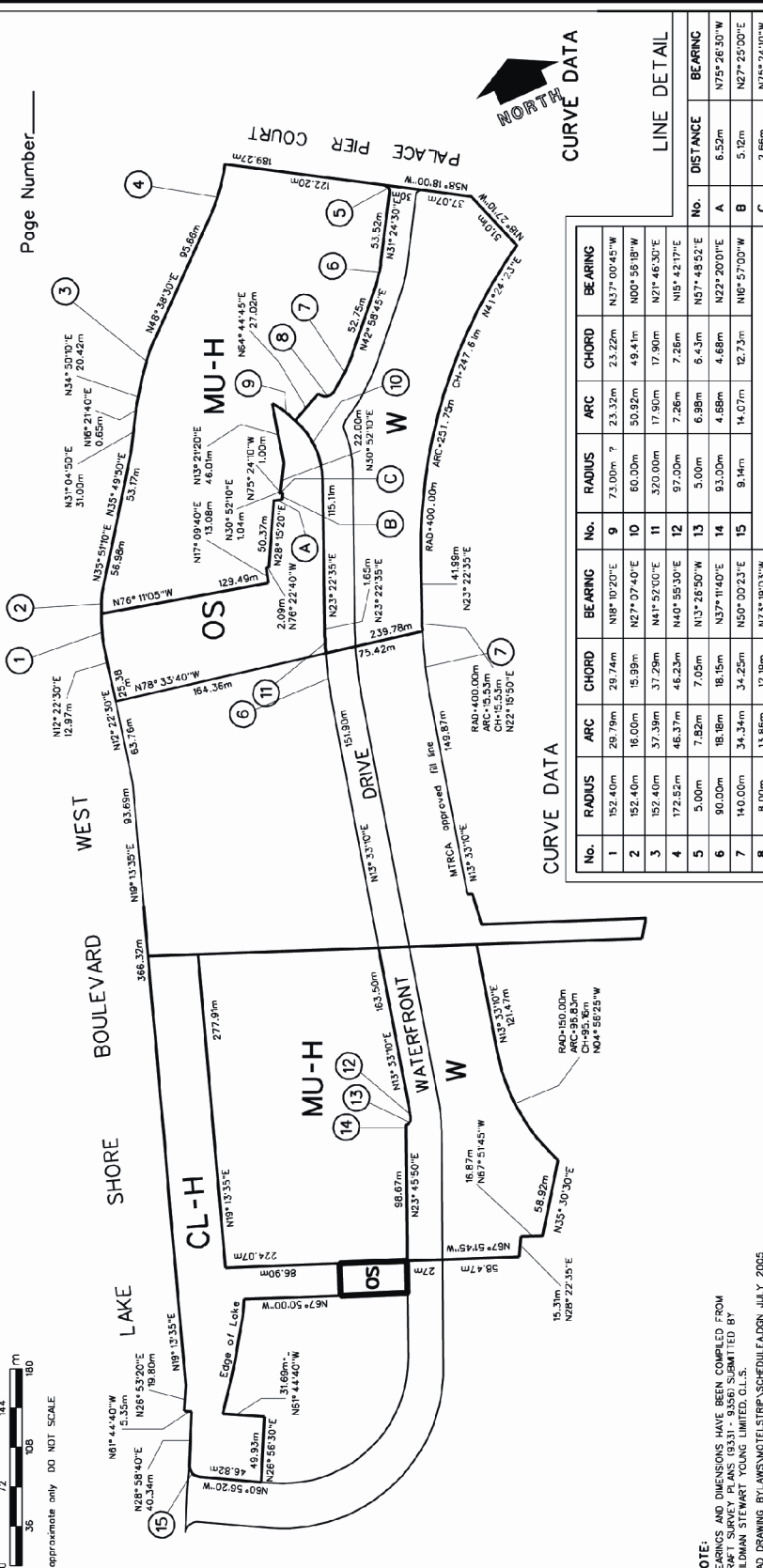
Clerk _____

Page Number _____

SCALE:



Approximate only DO NOT SCALE



CURVE DATA

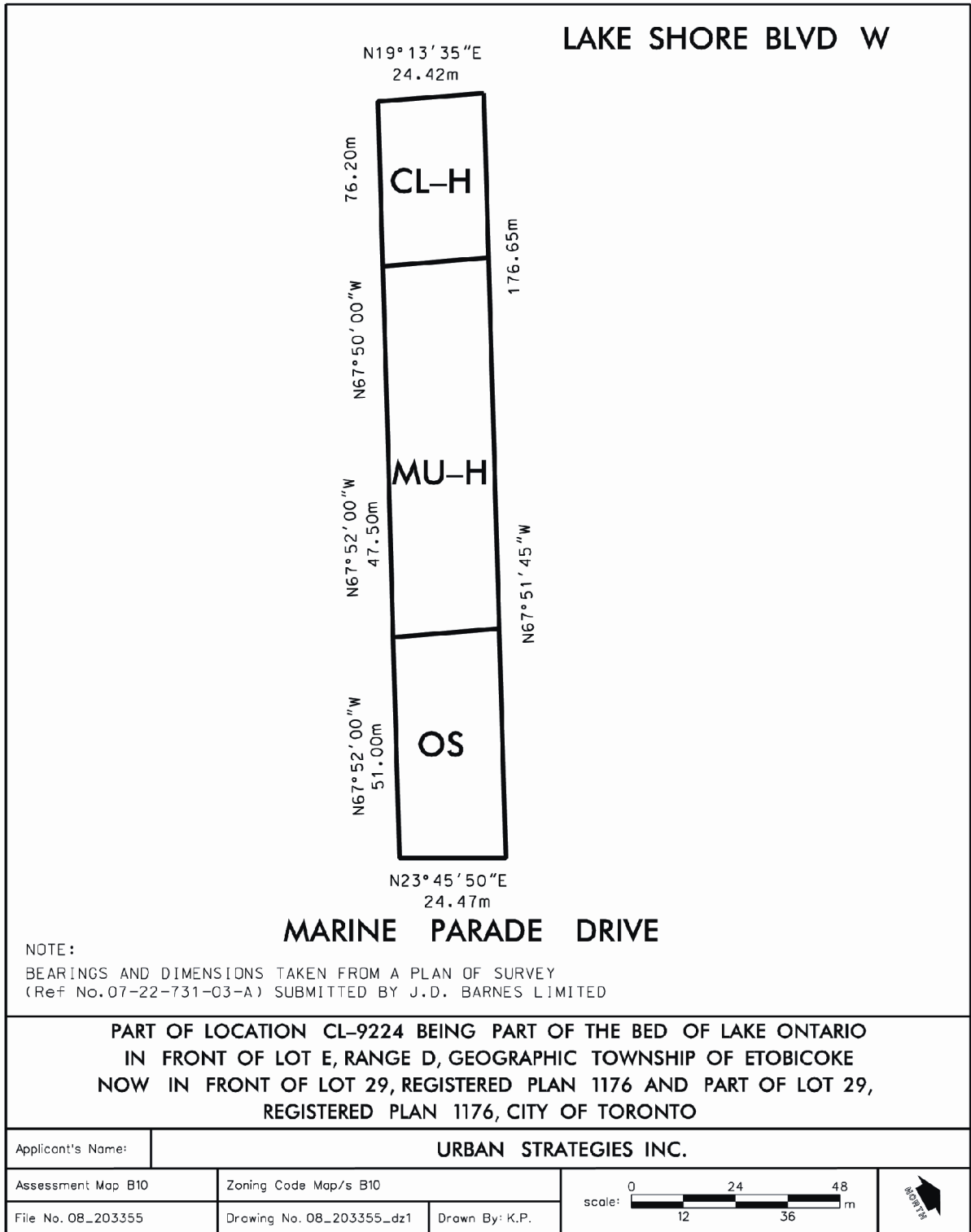
No.	RADIUS	ARC	CHORD	BEARING	No.	RADIUS	ARC	CHORD	BEARING
1	152.40m	28.79m	28.74m	N18°10'20"E	9	73.00m	23.32m	23.32m	N37°00'45"W
2	152.40m	18.00m	15.99m	N27°07'40"E	10	60.00m	50.92m	49.41m	N00°56'18"W
3	152.40m	37.39m	37.29m	N41°52'00"E	11	320.00m	17.90m	17.90m	N21°46'30"E
4	172.52m	46.37m	46.23m	N40°55'00"E	12	97.00m	7.26m	7.26m	N18°42'17"E
5	5.00m	7.82m	7.05m	N13°26'30"W	13	5.00m	6.95m	6.43m	N07°49'52"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	N67°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 COMPILED FROM
 DRAFT SURVEY PLANS (9331 - 9356) SUBMITTED BY
 WILDMAN STEWART YOUNG LIMITED O.L.S.
 CAD DRAWING BY LAWS/MOTELSTRAS/SCHEDULEADON JULY 2005

TORONTO Schedule 'A-2' BY-LAW



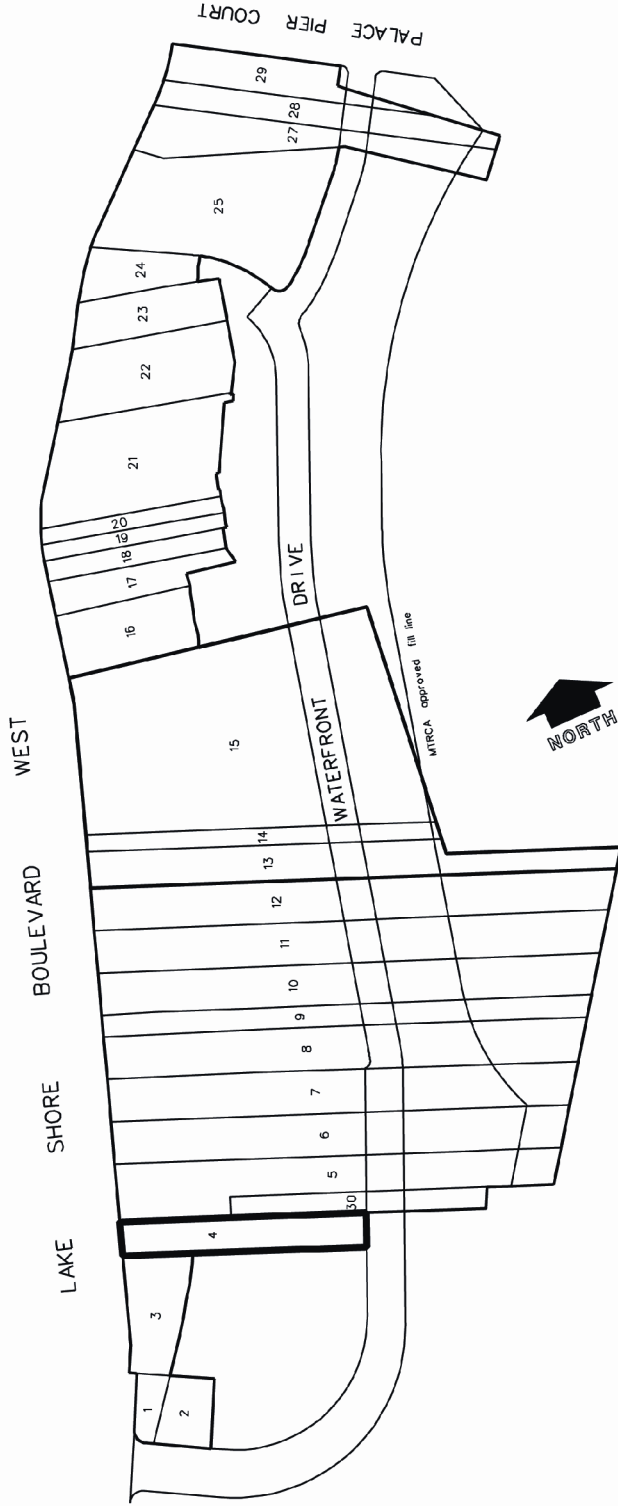
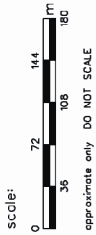
The Corporation of the City of Etobicoke
Schedule 'B' BY-LAW Number 1994-197

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

Mayor

Clerk

Page Number _____



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	3357	289
5	1575	7171	118
6	1158	7781	127
7	1154	8338	139
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			2439

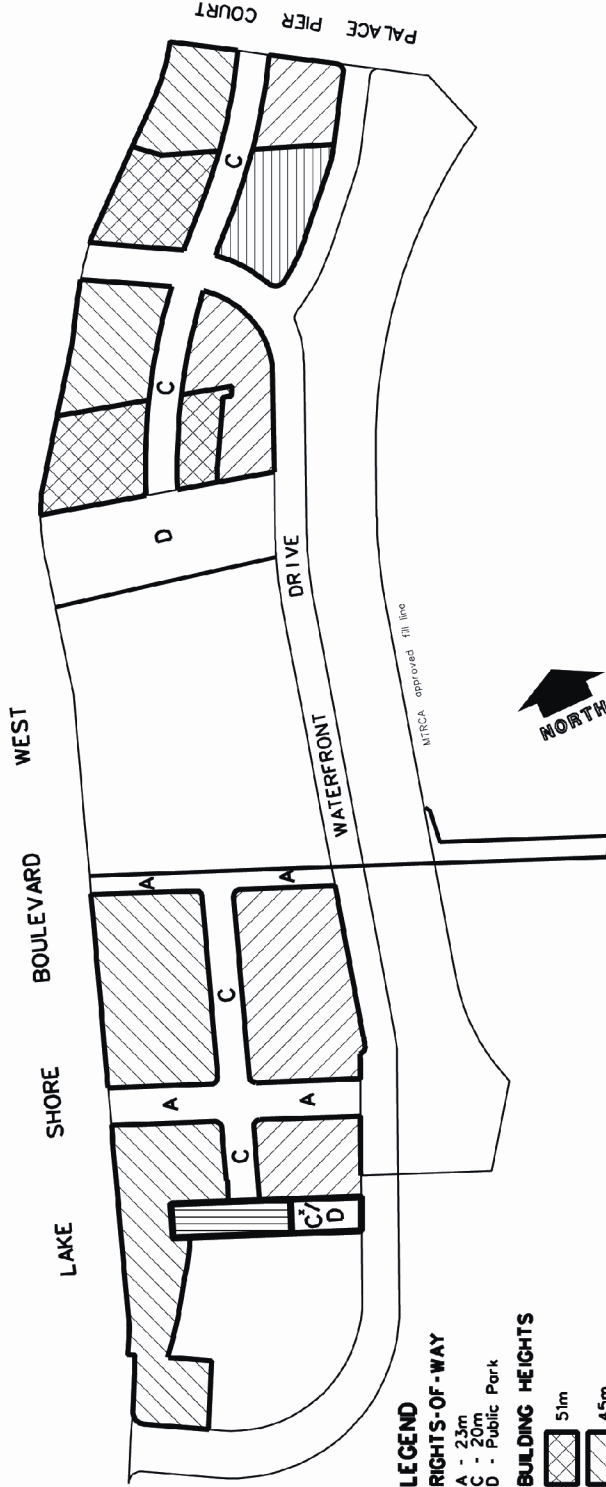
The Corporation of the City of Etobicoke
 Schedule 'D' BY-LAW Number 1994-197

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

 Mayor

 Clerk

Page Number _____



LEGEND
RIGHTS-OF-WAY

- A - 2.5m
- C - 20m
- D - Public Park

BUILDING HEIGHTS

- 51m
- 45m
- 36m
- 30m
- 110m

• Note: Future Road Alignment and Width of Street C to be determined

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