

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 2157 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.

“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 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, stair enclosures, and roof-top amenity areas 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’ attached hereto.

“Lot” - means the Lands.

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 increased residential gross floor area and the number of units on Parcel 8.

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 Parcel 8 classified Mixed-Use (MU-H), and to provide for a right-of-way width of 18.5 metres for a portion of right-of-way "C".

4. 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 116.05 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 13 metres plus the height limit in Section 4(a).

5. Permitted Uses

In addition to the provisions of Section 5, 6, 7, 8 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.

6. 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 8 as described on Schedules 'A' 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 on the Lands zoned MU-H on Schedule 'A' shall be 3.99, based on the Mixed Use Area of 8732 square metres, according to Schedule 'C' attached hereto.
- (d) For the purposes of calculating density for lands zoned MU-H, Section 11(c)(ii)(B) of Zoning By-Law 1994 – 197, shall apply.
- (e) 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.

7. Number of Units

The maximum number of dwelling units permitted on the Lands shall be 408.

8. 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) 1.0 parking spaces per dwelling unit, to a maximum of 408 resident parking spaces;
- (b) not less than 0.15 spaces per dwelling unit shall be reserved for the exclusive use of visitors to a maximum of 61 visitor parking spaces;
- (c) 1 parking space per 100 square-meters of retail space to a maximum of 9 commercial parking spaces;
- (d) 1 parking space per 100 square-meters of office space to a maximum of 22 office parking spaces;
- (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.

9. Setbacks/ Underground Garage

(a) Notwithstanding the provisions of the Zoning Code, and Subsection 11 (k) of Bylaw 1994-197, as amended pursuant to an Ontario Municipal Board Order dated July 18, 1996, the setbacks for buildings shall be provided as follows:

(ii) 0 metres from the side Lot lines

(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 5 metres.

(iii) 0 metres from the rear Lot line.

(iv) 2 metres from right-of-way 'C'

(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 below public and private right of way including proposed right of way 'C'.

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

11. 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 \$1,000,000 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 within the lands zoned MU-H as shown on Schedule 'A' shall be 3.99, a maximum number of dwelling units of 408 and a maximum height of 116.05 metres. The cash contributions shall be made as follows:

(i) \$1,000,000 for public and parkland improvements within Humber Bay Shores and the Mimico 20/20 revitalization study area related to recreational amenities and facilities.

(ii) 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.

(iii) The owner is required to submit a final Microclimate Analysis indicating acceptable pedestrian wind levels, to the satisfaction of the Director, Community Planning, Etobicoke York District.

(iv) 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

(v) 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.

(vi) 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 and Marine Parade Drive, if required, 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.

(vii) 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. The temporary access to Lake Shore Boulevard West and Marine Parade Drive 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.

(viii) 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.

(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.

12. 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, east of Park Lawn Road, municipally known as 2157 Lake Shore Boulevard West.	To amend certain provisions of By-Law 1994-197 to permit a mixed use development.

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'

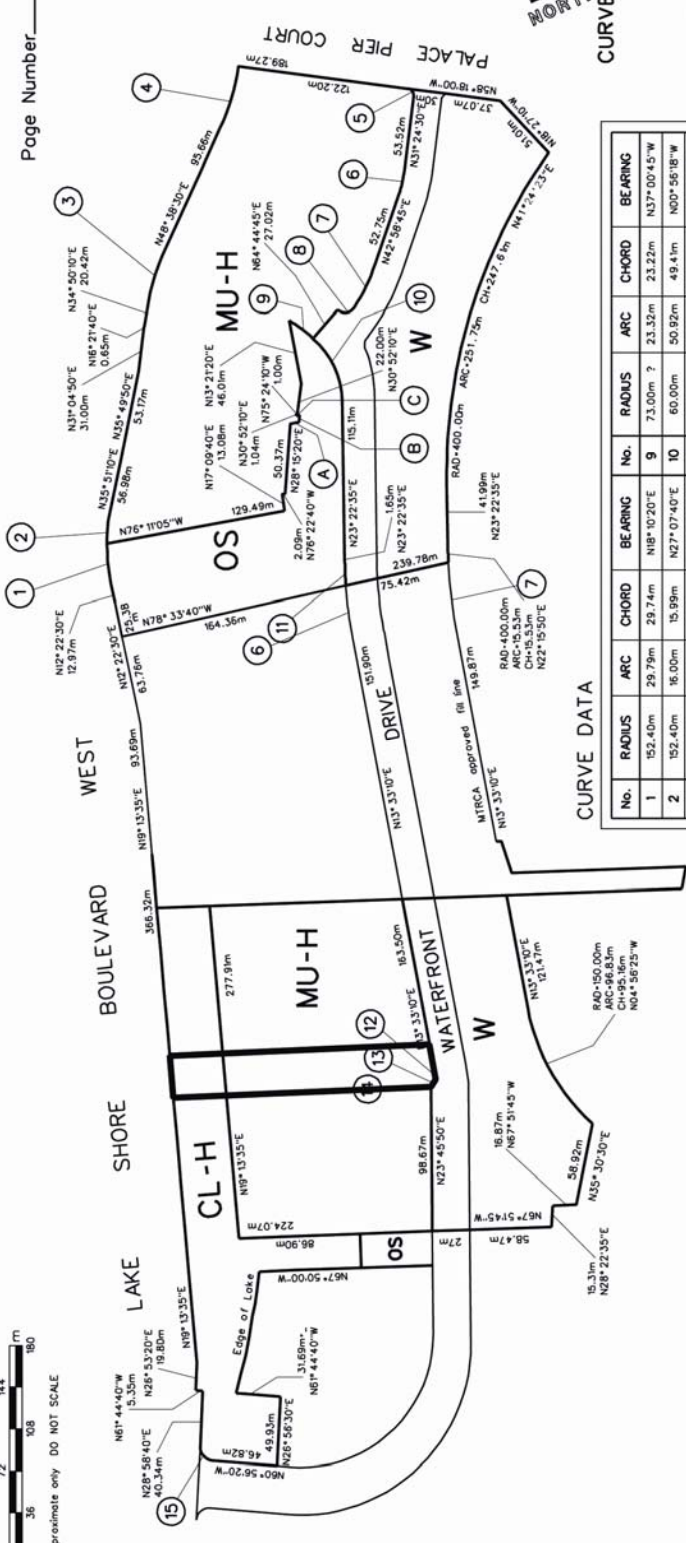
Mayor _____
 Clerk _____

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	29.79m	N8°10'20"E	9	73.00m	23.32m	23.32m	N37°00'45"W
2	152.40m	16.00m	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	N27°46'30"E
4	172.52m	46.37m	46.23m	N40°55'30"E	12	97.00m	7.26m	7.26m	N5°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	12.23m	N8°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
 THE SURVEY RECORDS OF THE CITY OF ETOBICOKE
 WILDMAN STEWART YOUNG LIMITED, O.L.S.
 CAD DRAWING BY L.A.W.S./MOTELS/TRPA/SCHEDULEA.DON. JULY 2005

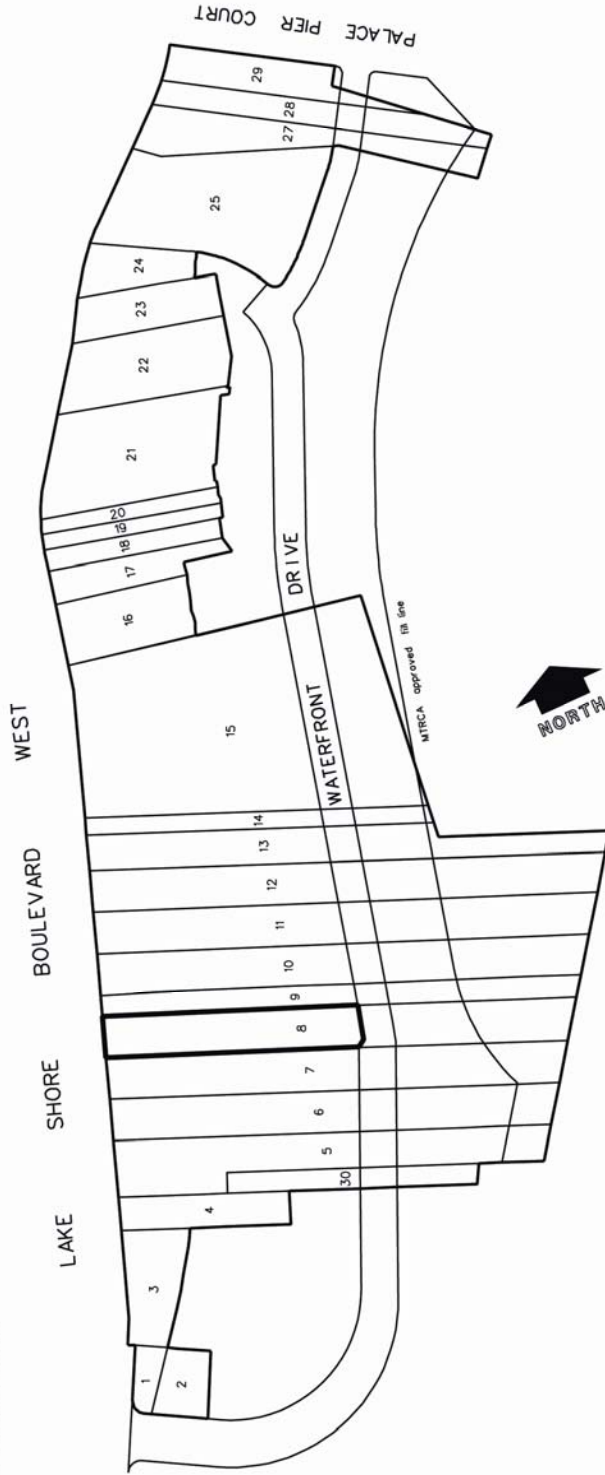
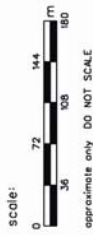
The Corporation of the City of Etobicoke
Schedule 'B' BY-LAW Number 1994-149

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

____ Mayor

____ Clerk

Page Number _____

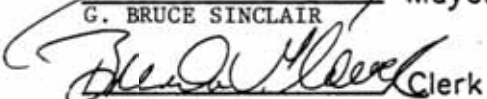


SCHEDULE 'C'

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	2105	35
5	1575	7171	118
6	1158	7781	127
7	1154	8338	139
8	1158	8732	408
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			2453

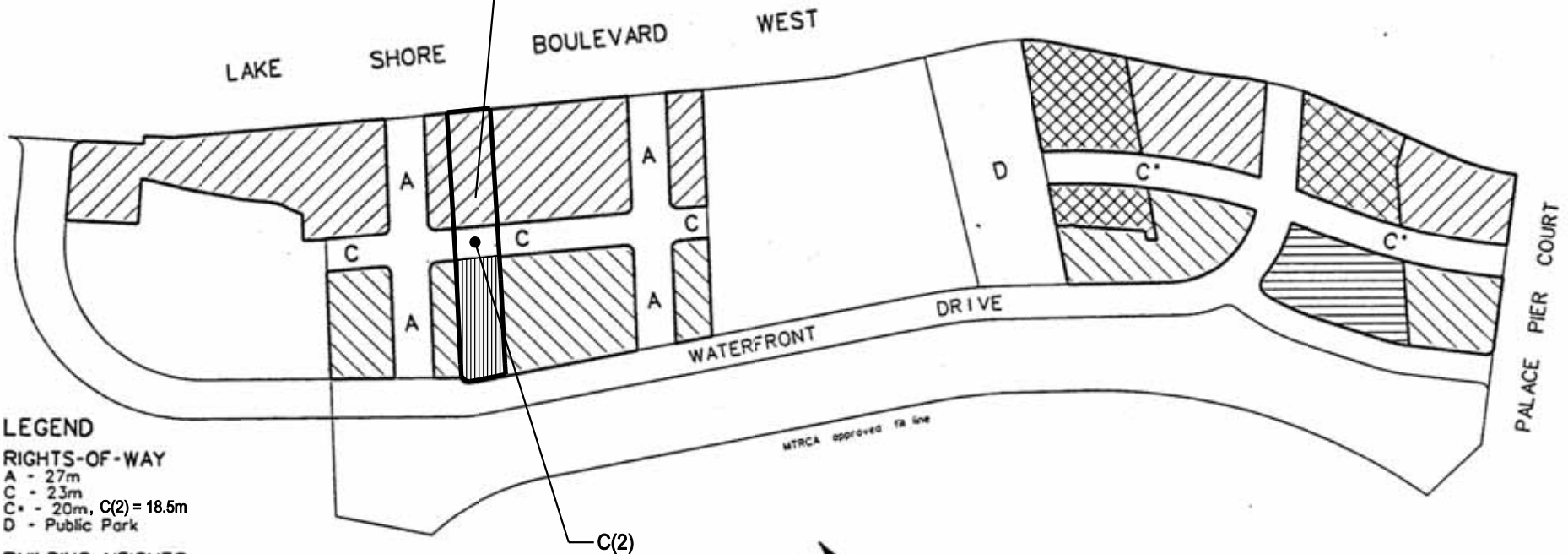
The Corporation of the City of Etobicoke
 Schedule 'D' BY-LAW Number 1994-197

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






G. BRUCE SINCLAIR Mayor

 BREND A GLOVER Clerk

Page Number 1

**SUBJECT
 LANDS**



LEGEND
 RIGHTS-OF-WAY
 A - 27m
 C - 23m
 C* - 20m, C(2) = 18.5m
 D - Public Park

BUILDING HEIGHTS
 51m
 45m
 36m
 30m
 116.05m



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