

Authority: Etobicoke York Community Council Item 25.8 as adopted by City of Toronto Council on July 16 and 17, 2013

**CITY OF TORONTO**

**Bill No. 1150**

**BY-LAW No. -2013**

**To amend Zoning By-law No. 1994-197, as amended, with respect to the lands municipally known as 2151-2155 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 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 owner of the lands referred to herein has elected to provide the facilities, services and matters as hereinafter set forth; and

Whereas the increase in height and density 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:

Notwithstanding By-law 1994-197, the following development standards shall now apply to the lands zoned 'MU-H' and 'CL-H' attached hereto:

1. The provisions of Schedule "C" of Site Specific Zoning Bylaw No. 1994-197 do not apply to this site.
2. For the purposes of this By-law, the following Holding Provisions shall apply to the lands described as (MU-H), on Schedule "A" annexed hereto:
  - (a) This zone is a holding zone pursuant to Section 36 of the *Planning Act*. The Holding (H) symbol indicates that lands so zoned cannot be used for a purpose permitted by the (MU) Zone until the Holding (H) symbol is lifted by a by-law

amendment pursuant to Section 36 of the *Planning Act*. Upon lifting of the (H) symbol from all or part of the lands, the (MU) uses shall be permitted subject to the development standards applicable thereto.

3. For the purposes of this By-law, the following Holding Provisions shall apply to the lands described as (CL-H), on Schedule "A" annexed hereto:

(a) This zone is a holding zone pursuant to Section 36 of the *Planning Act*. The Holding (H) symbol indicates that lands so zoned cannot be used for a purpose permitted by the (CL) Zone until the Holding (H) symbol is lifted by a by-law amendment pursuant to Section 36 of the *Planning Act*. Upon lifting of the (H) symbol from all or part of the lands, the (MU) uses shall be permitted subject to the development standards applicable thereto.

4. That Holding provisions in Schedule "F" of Site Specific By-law No. 1994-197 as it applies to the lands shown on Schedules A and B, be deleted and replaced with the following Holding (H) symbol provisions:

(a) The Core Infrastructure Agreement must be signed by the Land Owner's Group and registered by the City; and

5. Definitions

The provisions of Section 304-3 Definitions of the Etobicoke Zoning Code, as amended, shall apply unless inconsistent with the provisions of this By-law or otherwise expressly defined herein. For the purpose of this By-law, the following definitions will apply:

- (a) "*Bicycle Parking Space*" – means an *resident – bicycle parking space* or a *visitor/commercial – bicycle parking space*.
- (b) "*Building Envelope*" – means the building area permitted within the heights and setbacks above Grade shown on Schedule "B" attached to this By-law.
- (c) "*Grade*" – shall be the geodetic elevation of 84.10 metres above sea level.
- (d) "*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.
- (e) "*Lake Shore Boulevard Widening*" – means part of the Lands to be conveyed to the City of Toronto to widen Lake Shore Boulevard West as shown on Schedule "A" and Schedule "B" attached to this By-law.
- (f) "*Lands*" – means the lands outlined by heavy lines on the attached Schedule "A".
- (g) "*Laneway E*" – means a private right-of-way for vehicular and pedestrian access subject to a public access easement on the Lands as shown on Schedule "B" attached to this By-law.

- (h) “*Loading Space – Type B*” shall mean a loading space with a minimum length of 6.0 metres, a minimum width of 4.0 metres and a vertical clearance of 6.1 metres.
- (i) “*Loading Space – Type C*” shall mean a loading space with a minimum length of 6.0 metres, a minimum width of 3.5 metres and a vertical clearance of 6.1 metres.
- (j) “*Loading Space – Type G*” shall mean a loading space with a minimum length of 13.0 metres, a minimum width of 4 metres and a vertical clearance of 6.1 metres.
- (k) “*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, ventilation, electrical, mechanical (other than escalators), elevator shafts, and telecommunications equipment that serves a building on the Lands.
- (l) “*Minor Projections*” – means the minor structure or building elements which may project from a structure or building or part thereof into required setbacks including roof eaves, window sills, railings, cornices, parapets, guard rails, balconies, terraces, landscaping, elements of a green roof, canopies, exterior stairs, and covered ramps to a maximum projection of 2 metres.
- (m) “*Non-residential gross floor area*” - the aggregate of the areas of each floor and the spaces occupied by walls and stairs, above or below *grade*, of a non-residential building or the non-residential portion of a mixed use building, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor.
- (n) “*Recreational Amenity Area*” – means a common area or area within the Lands which are provided for the exclusive use of residents of residents of a building for recreational or social purposes.
- (o) “*Resident - bicycle parking spaces*” – means an enclosed area that is equipped with a bicycle rack for the purpose of parking and securing bicycles.
- (p) “*Residential gross floor area*” – the aggregate of the areas of each floor and the space occupied by walls and stairs, above *grade*, of a residential building or the residential portion of a mixed use building, measured between the exterior faces of the exterior walls of the building or structure. The following areas shall be excluded: Mechanical Area and Common or Recreational Amenity Area.
- (q) “*Street C*” – means part of the Lands for a future public road, 18.5 metres in width, to be conveyed to the City of Toronto as shown on Schedule "B" attached to this By-law.
- (r) “*Temporary Sales Office*” means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of dwelling units to be erected on the *lot*.

- (s) *Tower "A"* – means the 49-storey residential building located between *Laneway E* and *Street C*.
- (t) *Tower "B"* – means the 14-storey residential building located between *Street C* and Marine Parade Drive.
- (u) "*Visitor – Commercial bicycle parking spaces*" - means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles.

Each word or expression that is *italicized* in the By-law herein shall have the same meaning as each word or expression as defined.

## 6. Number of Units

A maximum of 625 residential units are permitted only on the part of the *Lands* classified Mixed-Use (MU-H) on Schedule "A" and east of *Laneway E*.

## 7. Maximum Gross Floor Area and Density

- (a) A maximum gross floor area of 52,700 m<sup>2</sup> on the *Lands* shall be permitted.
- (b) Residential gross floor area shall only be permitted on part of the *Lands* identified Mixed Use (MU-H) on Schedule "A" and east of *Laneway E*.
- (c) For the purpose of calculating gross floor area and density on the *Lands*, the following floor space may be excluded: *Mechanical Floor Area, Recreational Amenity Area*, storage rooms above or below grade for bike parking, lockers and waste handling areas, and vehicular parking below *grade*.

## 8. Height

The *height* of any building or structure, or portion thereof, shall not exceed those heights as indicated on the attached Schedule 'B' from *grade*.

- a) The maximum permitted *height* is 168 metres (including mechanical) on Tower "A" and 55 metres (including mechanical) on Tower "B".
- b) The maximum permitted *height* is 25 metres on the property designated 'CL' on Schedule 'A' attached to this By-law.

## 9. Setbacks shall be in accordance with Schedule "B" with the exception of the following projections:

- a) Canopies, eaves, awnings, building cornices, balconies, lighting fixtures, ornamental or architectural elements, parapets, landings and associated railings, trellises, window sills, bay windows, guardrails, balustrades, mullions, railings, stairs, stair enclosures, wheelchair ramps, underground garage ramps, landscape and public art features.

- b) Below *grade* structures, including building footings and parking garages, are permitted to extend below *Laneway E* and *Street C* and may be setback zero metres from the boundary of the *Lands*, except under the *Lake Shore Boulevard Widening*.

**10. Permitted Uses**

- A. For purposes of this By-law, the following Mixed Use (MU) uses shall be permitted on the lands designated as Mixed Use Holding (MU-H) on Schedule "A" annexed hereto, subject to Section 2 of this By-law:
  - (a) All Sixth Density Residential (R6) uses permitted under Section 320-76 A, B, and F of the Etobicoke Zoning Code.
  - (b) Group Dwellings.
  - (c) All Limited (CL) uses permitted with the exception of new and used car sales lots and public garages.
  - (d) Outdoor cafes in conjunction with a restaurant on the same property, antique markets, farmer's markets, food hall, aquarium and amphitheatre, craft and art galleries, museums, sport centre, television and/or radio broadcasting studios, movie film studios, commercial photographers and recording and distribution studios.
  - (e) *Recreational amenity area*, pedestrian walkways, fencing, underground parking garages, and *bicycle parking spaces* at and below *grade*.

Notwithstanding Subsection 2(a) of this By-law, the following uses shall be permitted on an interim basis pending and subsequent to the lifting of the Holding (H) symbol.

- (a) Temporary access, surface parking, temporary parks, recreational facilities, farmer's market and antique markets.
  - (b) Temporary sales offices with associated parking, pedestrian walkways, fencing or construction hoarding, and the temporary storage of construction materials and vehicles shall be permitted prior to the deletion of the Holding (H) symbol but only for the duration of construction of buildings to be erected upon the lands described in Schedule "A", attached hereto.
- B. For purposes of this By-law, the following Limited Commercial (CL) uses shall be permitted on the lands designated as Limited Commercial Holding (CL-H) on Schedule "A" annexed hereto, subject to Section 3 of this By-law:

- (a) All Limited Commercial (CL) uses permitted with the exception of new and used car sales lots and public garages.
- (b) *Recreational amenity area*, pedestrian walkways, fencing, underground parking garages, and *bicycle parking spaces* at and below *grade*.

Notwithstanding Subsection 3(a) of this By-law, the following uses shall be permitted on an interim basis pending and subsequent to the lifting of the Holding (H) symbol.

- (a) Temporary access, surface parking, temporary parks, recreational facilities, farmer's market and antique markets;
- (b) Temporary sales offices with associated parking, pedestrian walkways, fencing or construction hoarding, and the temporary storage of construction materials and vehicles shall be permitted prior to the deletion of the Holding (H) symbol but only for the duration of construction of buildings to be erected upon the lands described in Schedule "A", attached hereto;

## 11. Bicycle Parking Spaces

- (a) A minimum of 88 *Visitor – Commercial bicycle parking spaces* for Tower "A" shall be provided for commercial/visitors at *grade*.
- (b) A minimum of 18 *Resident – bicycle parking spaces* for Tower "A" shall be provided for residents at *grade*.
- (c) A minimum of 331 *Bicycle parking spaces* for Tower "A" shall be provided at *grade* and on the P1 and P2 levels.
- (d) A minimum of 37 *Visitor – Commercial bicycle parking spaces* for Tower "B" shall be provided for commercial/visitors at *grade*.
- (e) A minimum of 7 *Resident – bicycle parking spaces* for Tower "B" shall be provided for residents at *grade*.
- (f) A minimum of 149 *Bicycle parking spaces* for Tower "B" shall be provided at *grade* and on the P1 and P2 levels.

## 12. Loading

- (a) A minimum of one *Loading Space – Type B* and one *Loading Space – Type C* on lands classified as (CL-H) on Schedule "A" shall be provided.
- (b) A minimum of one *Loading Space – Type G* shall be provided in Tower "A" on lands classified as (MU-H) on Schedule "A".

**13. Vehicle Parking**

The following parking standards apply:

- (a) A maximum of 822 parking spaces shall be provided on the *Lands*.
- (b) Parking shall be provided in accordance with the following minimum ratios:

Studios =	0.7 spaces/unit
1 Bedroom + Den =	0.8 spaces/unit
2 Bedroom + Den =	0.9 spaces/unit
3+ Bedroom =	1.1 spaces/unit
Visitor /Commercial =	0.15 spaces/unit
- (c) Visitor residential parking and commercial are permitted to be shared.
- (d) A minimum of one parking space for every 100 parking spaces, or part thereof, is required for use by the physically disabled.

**14. Recreational Amenity Area**

- (a) A minimum of 1318m<sup>2</sup> of indoor *Recreational Amenity Space* shall be provided and maintained in *Tower "A"* on *lands* classified as (MU-H) on Schedule "A".
- (b) A minimum of 624m<sup>2</sup> of outdoor *Recreational Amenity Space* shall be provided and maintained in *Tower "A"* on *lands* classified as (MU-H) on Schedule "A".
- (c) A minimum of 556m<sup>2</sup> of indoor *Recreational Amenity Space* shall be provided and maintained in *Tower "B"* on *lands* classified as (MU-H) on Schedule "A".
- (d) A minimum of 1548m<sup>2</sup> of outdoor *Recreational Amenity Space* shall be provided and maintained in *Tower "B"* on *lands* classified as (MU-H) on Schedule "A".

**15. None of the provisions of this By-law shall apply to prevent a *temporary sales office* on the lot.**

**16. Section 37**

Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law on the lands shown as MU(H) and CL(H) 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, on the terms such are secured by an agreement or agreements pursuant to Section 37 of the *Planning Act* and in a form satisfactory to the City, with conditions providing for indexed escalation of financial contributions where applicable, no credit for development charges, indemnity, insurance, termination and unwinding, and registration and priority of the 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 under this By-law:

- A. Within sixty (60) days of the Date of Final Approval (as defined in the Section 37 Agreement) of this By-law, the Owner shall provide to the City a letter of credit in a form satisfactory to the City Solicitor in the amount of \$350,000.00 to secure a contribution of \$350,000.00 for the construction of the Village Court, a publicly accessible private open space being part of the property municipally known as 68 Marine Parade Drive which represents the value of the upgrades to Village Court above the previously secured contributions.
- B. A publicly accessible open space of up to 1,000 square metres, providing pedestrian access between Street C and Marine Parade Drive, the design and boundaries of which are determined in and through the site plan approval process subject to the design and construction of such publicly accessible open space being restricted to an upset limit of \$500,000.00, said amount to be secured by a letter to credit to be provided to the City prior to the issuance of an above-grade building permit for Tower "B".
- C. A cash contribution in the amount of \$150,000.00 to be used for public park, streetscape or road improvements in the area, as determined by the Director, Community Planning, Etobicoke York District in consultation with the Ward Councillor, to be provided to the City prior to the issuance of an above-grade building permit for Tower "A".
- D. The letter of credit and cash amounts identified above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City.
- E. The following is also to be secured in the Section 37 Agreement, as a legal convenience to support development:
  - i. 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.



17. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
18. Notwithstanding the conveyance or dedications of any portion of the lands shown on Schedule "A" annexed hereto for municipal purposes, the lands shall be deemed to include such conveyances or dedications for the purpose of compliance with the provisions of this By-law.
19. Chapter 342, Site Specifics, of the Etobicoke Zoning Code, is hereby amended to include reference to this By-law by adding the following to Section 342-1, Table of Site Specific By-laws.

<b>BY-LAW NUMBER AND ADOPTION DATE</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>PURPOSE OF THE BY-LAW</b>
____ - 2013	Lands located on the east side of Lake Shore Boulevard West, west of Marine Parade Drive and municipally known as 2151-2155 Lake Shore Boulevard West.	To rezone the lands at 2151-2155 Lake Shore Boulevard West from Limited Commercial Holding (CL-H) and Mixed Use Holding (MU-H) to permit a mixed use development.
____ - 2013		

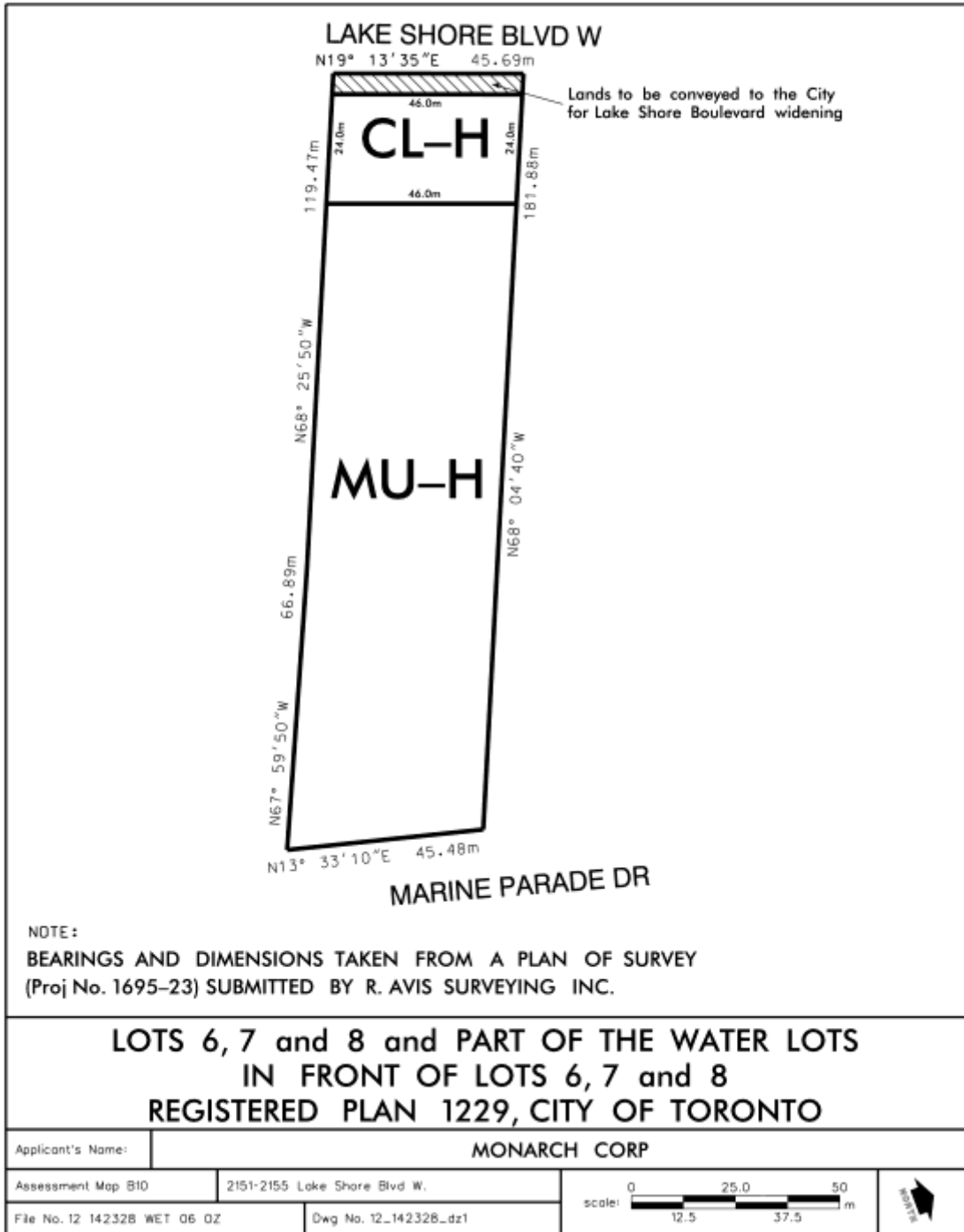
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Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

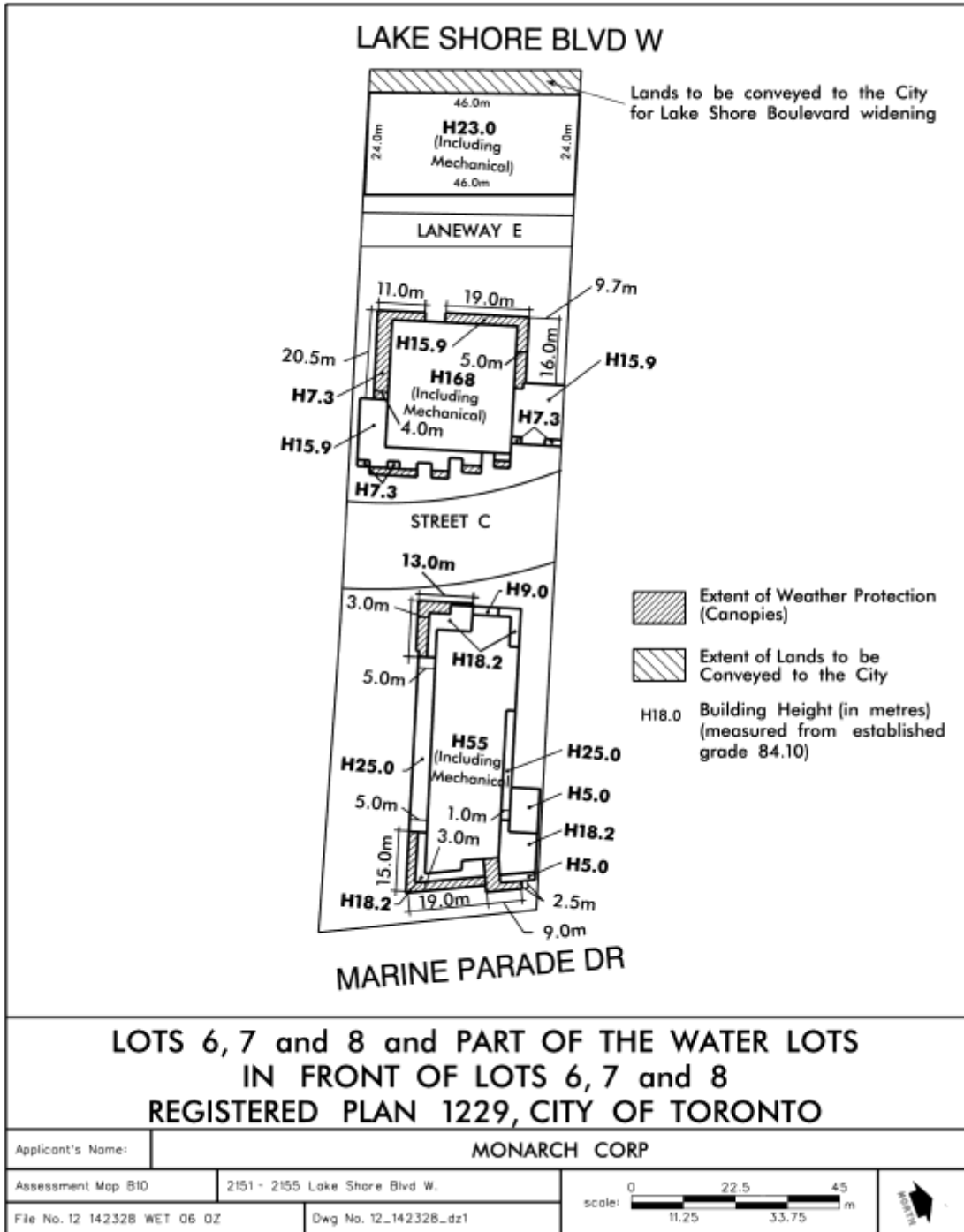
(Seal of the City)

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



The Lake Shore Blvd. West widening to be conveyed to the City shall be a width of 5.0 metres.

**Toronto** Schedule 'B' BY-LAW



The Lake Shore Blvd. West widening to be conveyed to the City shall be a width of 5.0 metres.