

CITY OF TORONTO

BY-LAW No. 458-2005(OMB)

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally 1900 Lake Shore Boulevard West.

WHEREAS the Ontario Municipal Board in a Decision issued January 7, 2005, approved a Zoning By-law Amendment as a result of a zoning by-law appeal with respect to certain lands known as 1900 Lake Shore Boulevard West; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a by-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are 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 or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

NOW THEREFORE pursuant to Order No. 0006 of the Ontario Municipal Board issued on January 7, 2005 in Board File No. PL030416, By-law No. 438-86, as amended, of the former City of Toronto, is amended as follows:

1. None of the provisions of Section 2(1) with respect to the definitions of *grade*, *height*, *lot* and *residential gross floor area* and Sections 4(2)(a), 4(4)(b), 4(16), 8(3)Part I of Zoning By-law No. 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, including the exceptions in Section 12 of said By-law, shall apply to prevent the erection of a *residential building*, and an *above-grade parking garage* and uses *accessory* thereto on the *lot*, provided that:
 - (1) the *lot* comprises at least those lands delineated by a heavy line on Plan 1 attached hereto;

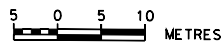
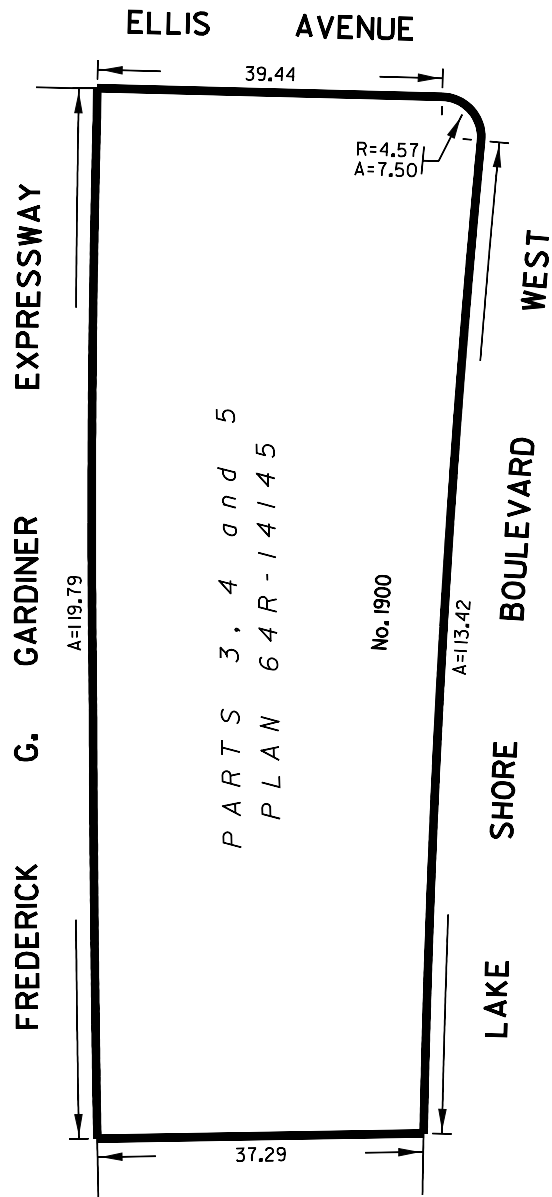
- (2) the *residential gross floor area* shall not exceed 24,000 square metres provided that the *residential gross floor area* of each *storey* of each separate part of the *residential building*, located above the fourth *storey*, exclusive, shall not exceed 850 square metres;
- (3) the *height* of any building or structure shall not exceed those *heights*, in metres above *grade*, following the symbol “H” shown on Plan 2, but this paragraph does not prevent the erection or use of:
 - (i) the structures and elements identified in Section 4(2)(a)(i) of By-law No. 438-86, as amended, provided that:
 - A. the maximum *height* of the top of such structures and elements is no higher than the sum of 6.0 metres and the *height* limits shown on Plan 2;
 - B. the aggregate horizontal area of such structures and elements, including the area contained within an enclosure, measured at a point above the level of the *height* limit, does not exceed 70% of the area of the roof of the building; and
 - C. the width of any such structures and elements, including the width of an enclosure, located within six metres of the *lot* line along Lake Shore Boulevard West does not exceed 75% of the width of the main wall of each separate part of the *residential building*, located at least 56 metres above *grade*, facing the Lake Shore Boulevard West *lot* line, provided the width is to be measured parallel to the *lot* line;
 - (ii) the structures identified in Section 4(2)(a)(ii) of By-law 438-86 provided that:
 - A. the maximum *height* of the top of the structure is not higher than the sum of 3.0 metres and the *height* limits shown on Plan 2; and
 - B. the structure does not enclose space so as to constitute a form of penthouse or other room or rooms;
 - (iii) the following building elements and structures:
 - A. cornices, lighting fixtures, awnings, canopies, signs, ornamental architectural elements, parapets, trellises, balconies, patios, decks, terraces, fences, eaves, window sills, guardrails, balustrades, mullions, railings, stairs, stair enclosures, wheel chair ramps, landscape and public art features;
 - (iv) architectural screening elements for the structures and elements identified in Section 1(3)(i) of this By-law to a maximum height of 7.5 metres;

- (4) no portion of any building or structure is located within *Area A*;
 - (5) the minimum required number of *parking spaces* shall be provided and maintained on the *lot* in the above-*grade parking garage* in accordance with the following:
 - (i) 0.7 parking spaces for each one-bedroom dwelling unit;
 - (ii) 1.0 parking space for each two-bedroom dwelling unit;
 - (iii) 1.2 parking spaces for each three-bedroom dwelling unit; and
 - (iv) 0.12 parking spaces per dwelling unit for visitors; and
 - (6) the owner of the *lot* enters into an agreement, pursuant to Section 37 of the *Planning Act* to secure the following facilities, services or matters:
 - (i) a total contribution of \$350,000.00 to be used for recreational facilities in the Western Beaches and/or High Park.
2. “*grade*” means 77.89 metres Canadian Geodetic Datum.
3. “*height*” means the vertical distance measured between *grade* and the highest point of the roof.
4. “*lot*” means those lands outlined by heavy lines on Plan 1 attached hereto.
5. “*Area A*” means the area above *grade* identified as Area A on Plan 2 attached hereto.
6. “*residential gross floor area*” means the aggregate of the areas of each floor and the space occupied by walls and stairs, above and below *grade*, measured between the exterior faces of the exterior walls of the building or structure, exclusive of the following areas:
- A. a room or enclosed area, including its enclosing walls within the *residential building* or structure above or below *grade* that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators) or telecommunications equipment that serves the *residential building*;
 - B. loading facilities required by By-law No. 438-86, as amended; and
 - C. any part of the building or structure, above or below *grade*, that is used for the parking of motor vehicles or bicycles, garbage and recycling, storage, *residential amenity space* or other *accessory* use.
7. “*temporary sales showroom*” means a building, structure or temporary facility used for a limited period of time and for the limited purpose of a sales office related to the sale of units within the permanent building to be erected on the *lot*.

8. None of the provisions of Zoning By-law No. 438-86, as amended, or of this By-law shall apply to prevent the erection or use within the *lot* of a *temporary sales showroom* for the sale of units on the *lot*. The *temporary sales showroom* shall be removed within 60 days of the issuance of the first building permit for a permanent building on the *lot*.
9. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.

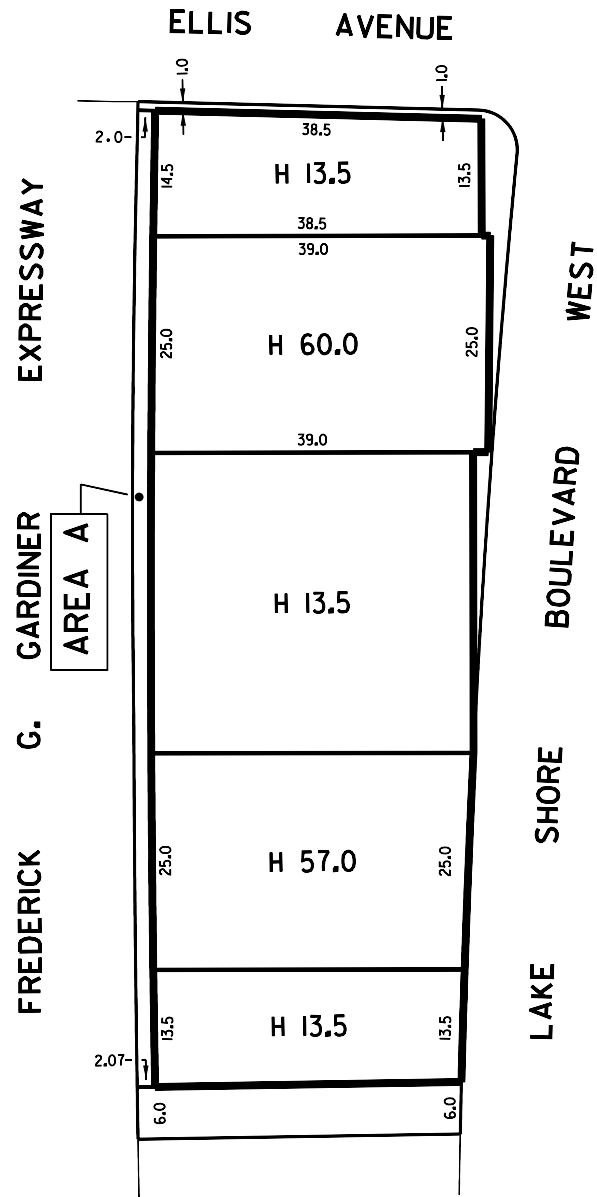
PURSUANT TO THE DECISION/ORDER NO. 0006 OF THE ONTARIO MUNICIPAL BOARD
ISSUED ON JANUARY 7, 2005 IN BOARD FILE NO. PL030416.

PLAN I



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO SEPTEMBER, 2004
BL04/1900LSB1.DGN
FILE: L2-Z37
MAP No. 47H-312 DRAWN: D.R

PLAN 2



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

5 0 5 10
METRES



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO SEPTEMBER, 2004
BL04/1900LSB2.DGN
FILE: L2-Z37
MAP No. 47H-312 DRAWN: D.R