

Authority: Etobicoke York Community Council Item 25.2,
as adopted by City of Toronto Council on April 6, 2009
Enacted by Council: April 30, 2009

CITY OF TORONTO

BY-LAW No. 501-2009

To amend Chapters 320 and 324 of the Etobicoke Zoning Code, respecting the lands municipally known as 2230 Lake Shore Boulevard West.

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; 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 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 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 in Chapters 320 and 324 of the Etobicoke Zoning Code, 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 HEREBY ENACTS as follows:

1. 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, be and the same is hereby amended by changing the classification of the lands located in the former Township of Etobicoke as described in Schedule 'A' by repealing site specific By-law No. 1985-252, and annexed hereto from Commercial Limited (CL), to Sixth Density Residential (R6) and Public Open Space (OS), provided the following provisions shall apply to the development of the (R6) lands identified in Schedule 'A' attached hereto.

2. Notwithstanding Sections 320-18B, 320-52, 320-76 and 320-77 of the Etobicoke Zoning Code, the following development standards shall apply to the (R6) lands described in Schedule 'A' attached hereto.

3. Definitions

The provisions of Section 304-3 Definitions of the Zoning Code shall apply unless inconsistent with the provisions of this By-law. For the purposes of this By-law the following definitions will apply:

“Building Envelope” - means the Podium and Tower Element building area permitted within the setbacks established in this By-law.

“Floor Plate Area” - means the gross horizontal floor area of a single floor above the Podium measured from the exterior face of all exterior walls of the Tower Element.

“Grade” - means with respect to the building, including an attached podium, erected within a Building Envelope, the geodetic elevation of 79.00 metres above sea level.

“Gross Floor Area” - shall have the same meaning as the Zoning Code definition in Section 304-3, except that the following areas shall also be excluded: Mechanical Floor Area; Indoor Recreational Amenity Area, unenclosed balconies, any building or structures erected and used for Public Open Space uses, loading and garbage areas, underground parking garage, and below grade storage areas.

“Height” - means, with respect to each 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 shall exclude mechanical equipment, mechanical penthouses, elevator rooms, parapets, architectural elements, stairs and stair enclosures located on the roof of such building provided the maximum height of the top of such elements, is no higher than 19 metres above the height limit otherwise applicable to the said building.

“Recreational Amenity Area” - means a common area or areas which are provided for the exclusive use of residents of the building and their guests, for recreational or social purposes, and which may be shared with the residents and guests of adjacent lands municipally known in year 2009 as 2242 and 2246 Lake Shore Boulevard West.

“Lands” - shall mean the lands described in Schedule 'A' attached hereto; and for the purposes of this By-law shall be based on the Lands prior to land dedications and conveyances.

“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 building elements which may project from the main wall of the building into required yards and beyond the Building Envelopes 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, provided that in no case shall any building element project into the minimum 10 metre setback from the Toronto and Region Conservation Authority property abutting the site on the east and north side, except as permitted by this By-law.

“Outdoor Amenity Area” - means an outdoor common area or areas which are provided for the exclusive use of residents of the building and their guests, for recreational or social purposes, and which may be shared with the residents and guests of adjacent lands municipally known in the year 2009 as 2242 and 2246 Lake Shore Boulevard West.

“Podium” - means the portion(s) of the building consistent with the podium height at the lands municipally known in the year 2009 as 2242 and 2246 Lake Shore Boulevard West, up to a maximum height of 16 metres.

“Tower Element” - means the portion(s) of the building located above the Podium.

4. Permitted Uses

No building or structures shall be erected or used on the Lands, except for the following uses:

- (i) An Apartment Building, townhouses, live-work units, recreational amenity areas, pedestrian walkways, fencing, any of the Public Open Space (OS) uses permitted under Section 320-32 of the Zoning Code, and any of the Commercial Limited (CL) uses permitted under Section 320-91B of the Zoning Code, with the exception of undertaking establishments, service stations, public garages, dry cleaning plants, and new and used car sales.
- (ii) Accessory structures, including any of the accessory structures permitted under Section 320-76F, of the Zoning Code, covered ramps, exterior stairs, garbage enclosures.
- (iii) Ventilation shafts are prohibited to be located within the public right-of-way and pedestrian walkway locations.

5. Gross Floor Area

The maximum Gross Floor Area, as defined herein, permitted on the Lands shall be 29,500 square metres.

6. Maximum Height

- (i) The maximum height of the Podium shall be 16 metres, measured from the established Grade of the property.
- (ii) The maximum height of the Tower Element shall be 118 metres.
- (iii) The maximum permitted height of the Podium and Tower Element shall be 134 metres.
- (iv) The maximum height of the mechanical penthouse shall be 19 metres.

7. Setbacks/Floor Plate Restrictions/Building Envelope

No building or structure within the Lands shall be located other than within the Building Envelope identified by the following setbacks:

- (i) The Podium shall be setback a minimum of 6 metres from the closed road allowance as shown on Schedule 'A'.
- (ii) The Tower Element of the building is required to be setback by a minimum of 11 metres from the closed road allowance as shown on Schedule 'A'.
- (iii) The Podium shall be located a minimum of 7 metres from east lot line.
- (iv) The west side yard setback of the Podium shall be 0.0 metres from the R6 zone boundary as shown on Schedule 'A'.
- (v) The north side yard setback of the Podium shall be a minimum of 6 metres from the R6 zone boundary as shown on Schedule 'A'.
- (vi) The maximum Floor Plate Area for the Tower Element shall be 670 square metres.
- (vii) The only building element permitted above the Podium shall be the Tower Element as defined in this by-law.

Notwithstanding the foregoing clause, the following provisions shall apply:

- (viii) The underground garage is permitted to project up to 2.0 metres into the Public Open Space zone (OS) along the east side yard setback, as shown on Schedule 'A'.
- (ix) The underground garage is permitted to be located up to 1 metre from the north side of the R6 zone boundary of the Lands. A portion of the underground garage located at the northwest corner of the R6 Lands is permitted to be setback 0 metres from the north lot line, for a linear distance of 6 metres. The underground garage is permitted to be built to the west lot line of the R6 zone

and to lot line along Lake Shore Boulevard West.

- (x) The balconies that form part of the Podium along the east side and north side of the Lands are permitted to project 2 metres beyond the building envelope setback into the OS zone above Grade.

8. Parking and Loading Requirements

Notwithstanding the provisions of Section 320-18 in its entirety, 320-19 and Section 320-76.G of the Zoning Code, the following requirements shall apply to the Lands:

- (i) 1.25 parking spaces shall be provided for each one bedroom and two bedroom unit, of which not less than 0.2 spaces per unit shall be reserved for the exclusive use of visitors.
- (ii) 1.4 parking spaces shall be provided for units with more than 2 bedrooms, of which not less than 0.2 spaces per unit shall be reserved for the exclusive use of visitors.
- (iii) The commercial parking provisions of 320-18C (2)(a) shall apply to the Lands.
- (iv) In order to achieve the parking ratios required for the building on the Lands, parking can be shared with the parking supply from the adjacent lands municipally known in the year 2009 as 2242 and 2246 Lake Shore Boulevard West, including driveway interconnections at and below Grade.
- (v) A minimum of one parking stall for every 100 parking stalls is required exclusively for the physically disabled.
- (vi) Minimum vehicle parking stall dimensions, excluding parking stalls for the physically disabled, shall be 2.6 metres wide, 5.6 metres in perpendicular length, with a minimum 6.0 metre wide access aisle.
- (vii) No person shall use any portion of the lot located between the main front wall of a building and the public street, at or above the natural ground level of the ground, for the purpose of parking or storing a motor vehicle.
- (viii) A loading space shall be provided on the Lands with dimensions of 13 metres in length, 4.0 metres in width, and with a vertical clearance of 6.1 metres if accessed to the building.
- (ix) Indoor bicycle parking spaces (other than in dwelling units) shall be provided at the rate of 0.75 bicycle parking spaces for each dwelling unit to a maximum of 200 bicycle parking spaces.

9. Area Requirements

Notwithstanding the provisions of the Etobicoke Zoning Code, the following area requirements shall apply to the Lands:

- (i) Outdoor Amenity Area: a minimum of 2 square metres per residential unit shall be provided, and can be shared with the lands municipally known in the year 2009 as 2242 and 2246 Lake Shore Boulevard West.
 - (ii) Indoor Recreational Amenity Area: shall be provided by and shared with the lands municipally known in the year 2009 as 2242 and 2246 Lake Shore Boulevard West.
- 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.** 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.
- 12.** Nothing in this By-law shall apply to prevent the construction of the development, provided that the minimum requirements of the By-law are complied with upon full development.
- 13. Section 37**

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 and cash contributions toward specific capital facilities and other facilities, services and matters in accordance with, and subject to the agreement referred to in Subsection 13.0 below, pursuant to Section 37 of the *Planning Act* in order to permit a mixed-use residential building with commercial uses, with a maximum Gross Floor Area of 29,500 square metres, and maximum height of 134 metres, exclusive of a 19 metre mechanical penthouse:

- (i) or before the date provided below, the Owner agrees to pay the City, by certified cheque, the sum of ONE MILLION FIFTY THOUSAND DOLLARS (\$1,050,000), indexed in accordance with the Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of this Agreement to the date of submission of the funds by the Owner to the City, to be allocated by the City in the following manner:
 - (a) FOUR HUNDRED THOUSAND DOLLARS (\$400,000) for a new community centre in Mimico at a location to be selected by the City in its sole discretion and to be paid prior to the issuance of a building permit pursuant to the *Building Code Act* for the construction of any above-grade improvements on any portion of the Lands;

- (b) FOUR HUNDRED THOUSAND DOLLARS (\$400,000) towards the trails and bridge crossings over Mimico Creek and Bonar Creek and to be paid prior to the issuance of a building permit, conditional or otherwise, pursuant to the *Building Code Act* for the construction of any foundation on any portion of the Lands;
 - (c) SEVENTY FIVE THOUSAND DOLLARS (\$75,000) for improvements to the Mimico Train Station 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;
 - (d) SEVENTY FIVE THOUSAND DOLLARS (\$75,000) as a contribution to Mimico By-the-Lake Public Art 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; and
 - (e) ONE HUNDRED THOUSAND DOLLARS (\$100,000) for public art at Coronation Park 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.
- (ii) Provided the funds described in the previous paragraph are allocated respectively towards the items described in said paragraph, the use of such funds shall be at the sole discretion of the City.
 - (iii) 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 Project, to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - (iv) Prior to the registration for any condominium to be constructed on any portion of the Lands, the Owner shall convey those lands designated as “OS” on Schedule “A” of this By-law, which for greater clarity is a parcel of land approximately ten (10) metre wide strip of land along the east side of the Lands, to the Toronto and Region Conservation Authority to the satisfaction of the Toronto and Region Conservation Authority, the General Manager, Parks, Forestry and Recreation and Urban Forestry Ravine Protection Division, in consultation with the Chief Planner and Executive Director, City Planning.
 - (v) 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, the Owner shall obtain all applicable clearances and approvals as such may relate to the treatment of the north edge of the Lands, to the satisfaction of the Toronto and Region Conservation Authority, the General Manager, Parks, Forestry and Recreation, and Urban Forestry Ravine Protection division, in consultation with the Chief Planner and Executive Director, City Planning.

- (vi) 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, the Owner shall revise and re-submit a functional servicing report to the Executive Director of Technical Services for review and acceptance.
- (vii) 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, the Owner shall prepare a detailed design and cost estimate, satisfactory to the City's Executive Director of Technical Services, for the extension of the existing eastbound to northbound auxiliary left turn land at the west (Legion Road) approach to the intersection of Lake Shore Boulevard West/Legion Road providing a minimum storage lane length of 50m, to accommodate future total traffic conditions.
- (viii) Prior to the earlier of the condominium registration of any building constructed on the Lands and December 31, 2010 the construction of the extension of the existing left turn storage lane referred to in Subsection 4.7 herein shall be completed by the Owner to the satisfaction of the City's Executive Director of Technical Services. Notwithstanding the previous sentence, nothing shall restrict the Executive Director of Technical Services from extending the completion date of the road improvement described in subsection 4.7 provided the completion said improvement occurs prior to occupancy of the Project.
- (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, the Owner shall submit a report by a qualified engineer to the Executive Director of Technical Services for his review and acceptance confirming whether there is a need to upgrade the existing sanitary sewer along Lake Shore Boulevard West between Legion Road and Louisa Street to provide sufficient capacity to satisfy the needs of the development contemplated by this By-law, and if such capacity does not exist, what infrastructure upgrades are required to provide sufficient capacity.
- (x) 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, the Owner shall deliver to the City security in an amount sufficient to construct any infrastructure upgrades as recommended in the report contemplated in Subsection 13(ix) to satisfy the needs of the development contemplated by this By-law, to the satisfaction of the Executive Director of Technical Services.
- (xi) 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, the owner shall submit to the satisfaction of the Chief Planner and Executive Director, City Planning Division, a Pedestrian Wind Study prepared by a qualified consulting engineer/specialist detailing wind impacts and identifying necessary corrective measures, if any, to be undertaken in conjunction with development of the Land.

- (xii) The Owner shall cause a qualified consulting engineer/specialist to certify in writing to the Chief Planner and Executive Director, City Planning Division that:
- (a) the recommendations in the approved Pedestrian Wind Study have been incorporated in the design of the Project; and
 - (b) any buildings permitted by this By-law have been constructed in accordance with these requirements and that all applicable wind mitigation measures in respect of the Lands have been implemented.
- (xiii) Notwithstanding the date by which any the Owner is required to satisfy any obligation under section 13 of this By-law, nothing in this By-law shall prevent the Owner from obtaining a conditional permit under the *Building Code Act* for shoring and excavation work only.
- (xiv) The owner of the Lands enters into and registers on title to the Lands an agreement with the City pursuant to Section 37 of the *Planning Act*, as a first charge to secure the facilities, services and matters set forth in (i) to (xiii) 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.

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
501-2009 April 30, 2009	Lands located on the north side of Lake Shore Boulevard West, west of Park Lawn Road, municipally known as 2230 Lake Shore Boulevard West.	To rezone 2230 Lake Shore Boulevard West from Commercial Limited to Sixth Density Residential (R6) and Public Open Space (OS) subject to site specific development standards to permit a mixed-use development.

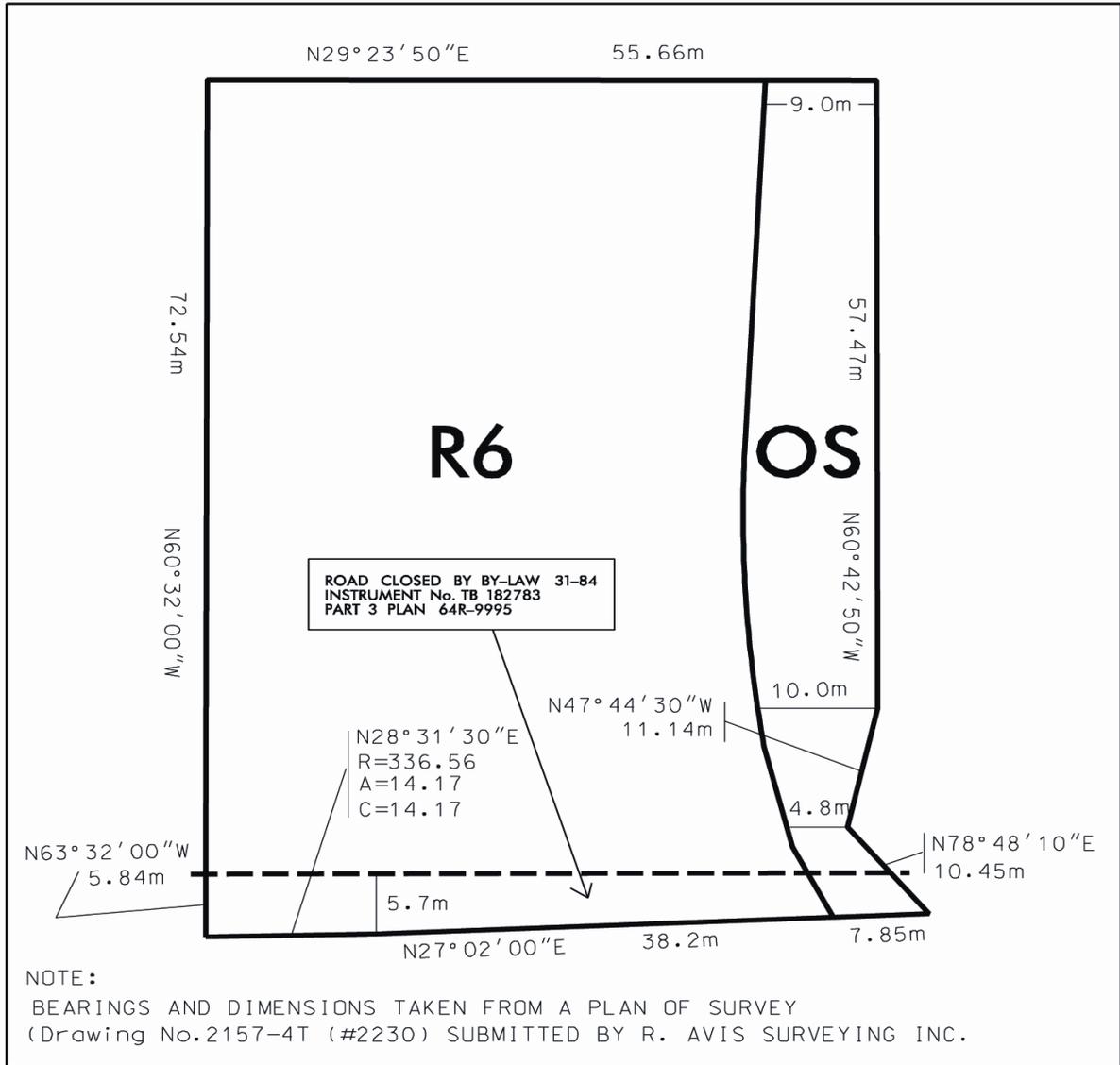
ENACTED AND PASSED this 30th day of April, A.D. 2009.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

TORONTO Schedule 'A' BY-LAW



**PART OF LOT 370, REGISTERED PLAN 164
CITY OF TORONTO**

Applicant's Name:	ARMSTRONG HUNTER and ASSOCIATES		
Assessment Map C10	Zoning Code Map/s C10S		scale: m
File No. 08-166911	Drawing No. 08-166911_dz1	Drawn By: K.P.	