

**CITY OF TORONTO**

**BY-LAW No. 1083-2014(OMB)**

**To amend former City of Toronto Zoning By-law No. 438-86 with respect to lands known municipally as 1926 Lake Shore Boulevard West.**

Whereas the owner of the lands known municipally in the year 2013 as 1926 Lake Shore Boulevard West has appealed a proposed zoning by-law amendment to the Ontario Municipal Board; and

Whereas the Ontario Municipal Board, by way of its decision issued on October 22, 2014, in Board File No. PL130888, approved amendments to the former City of Toronto Zoning By-law No. 438-86, as amended, with respect to those lands;

Pursuant to the Order of the Ontario Municipal Board, By-law No. 438-86, as amended, is further amended as follows:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the facilities, service and matters, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Appendix 1 of this By-law.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *lot* 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 requirement.
3. This By-law applies to the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.
4. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
5. None of the provisions of Section 2(1) with respect to the definitions of *grade*, *height*, *lot non-residential gross floor area*, *owner* and *residential gross floor area* and Sections 4(2)(a), 4(4)(b), 8(1)(f), 8(3) Part I 1 and 3; 8(3) Part II 1(a)(ii) and 8(3) Part XI 2(ii) 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, shall apply to prevent the erection of a *mixed-use building* and uses *accessory* thereto, including an above and below *grade parking garage*, non-residential uses and *dwelling units* on the *lot*, provided that:

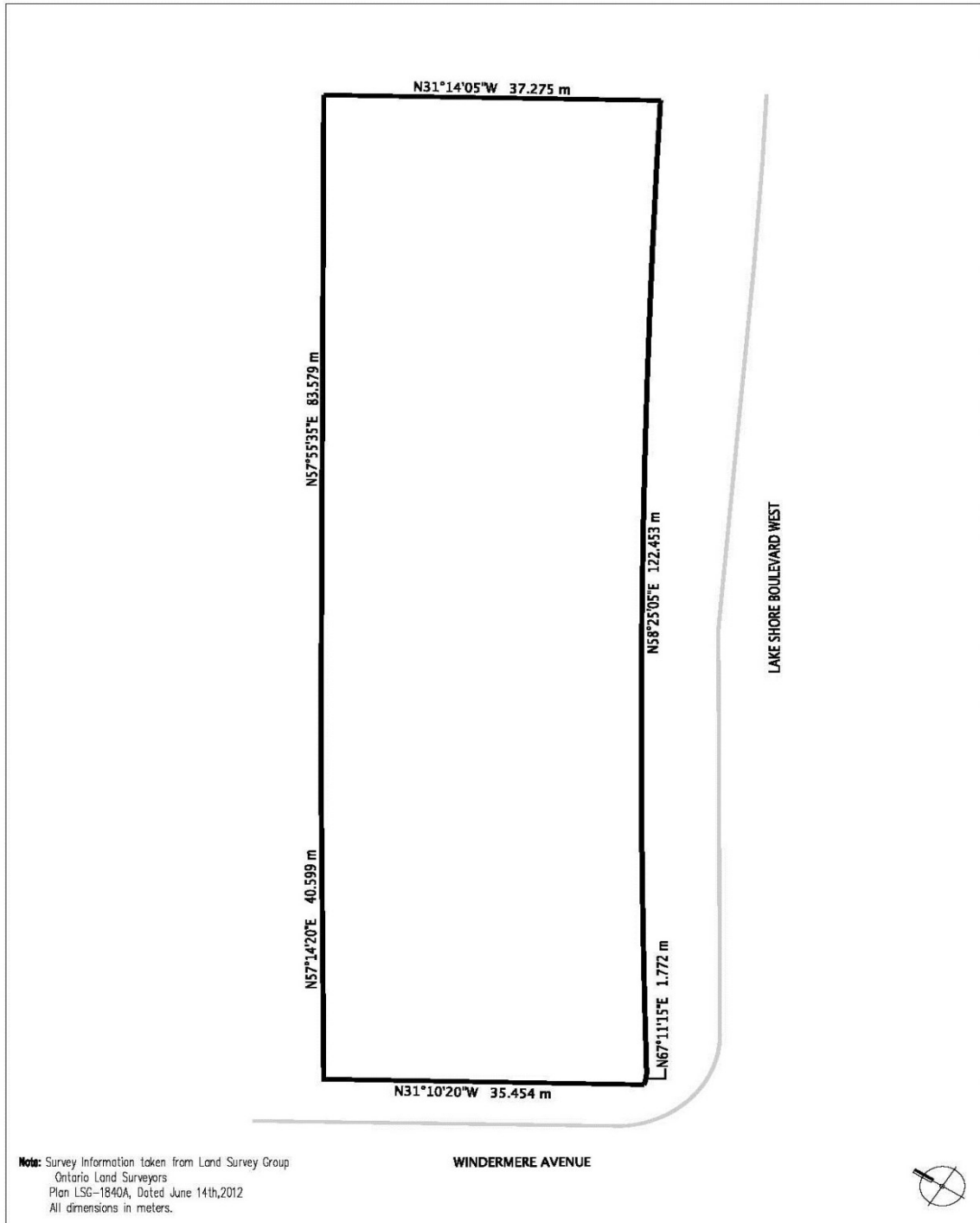
- (a) the *lot* comprises at least those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- (b) the combined *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 57,830 square metres of which the *residential gross floor area* shall not exceed 57,510 square metres and the *non-residential gross floor area* shall not be less than 315 square metres;
- (c) only the following non-residential uses shall be permitted on the *lot*: *retail store, restaurant, take-out restaurant, bake-shop, caterer's shop* and *grocery store*;
- (d) no portion of the *mixed-use building* above *grade* is located otherwise than wholly within the areas delineated by heavy lines on Map 2, attached to and forming part of this By-law, except for the following:
  - (i) cornices, lighting fixtures, awnings, ornamental elements, eaves, window sills, guardrails, balustrades, railings, wheel chair ramps, vents, fences, screens, landscape and public art features;
- (e) no portion of the *mixed-use building* exceeds the *heights* in metres specified by the numbers following the symbol H on Map 2, attached to and forming part of this By-law, except for the following:
  - (i) stairs and stair enclosures, fences, landscape features, trellises, guard-rails, retaining walls, wheel chair ramps, terrace and balcony railings and dividers, lightning rods, elements of a green roof, window washing equipment, solar panels, solar hot water heaters, exhaust flues, makeup air units, emergency generator, garbage chute overrun, parapets, cornices, balustrades, mullions, light fixtures, ornamental elements and public art features;
- (f) the maximum number of *storeys* of the *mixed-use building*, excluding a mechanical penthouse shall not exceed the numbers following the symbol ST on Map 2 attached to and forming part of this By-law;
- (g) notwithstanding s.4(12) of By-law No. 438-86, as amended, indoor *residential amenity space* may be provided in contiguous or non-contiguous rooms;
- (h) each floor in any tower located above a *height* of 18 metres shall contain no more than 924 square metres of combined *residential gross floor area* and *non-residential gross floor area*; and
- (i) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following minimum ratios:
  - (i) 0.7 *parking spaces* for each bachelor *dwelling unit*;
  - (ii) 0.8 *parking spaces* for each one-bedroom *dwelling unit*;

- (iii) 0.9 *parking spaces* for each two-bedroom *dwelling unit*;
  - (iv) 1.1 *parking spaces* for each three-bedroom *dwelling unit*; and
  - (v) 0.15 *parking spaces* per *dwelling unit* for visitors to the *dwelling units* of which 5 *parking spaces* may also be used by the non-residential uses on the *lot*.
6. 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*.
7. For the purpose of this By-law, the following words and expressions shall have the following meanings:
- (a) "*grade*" means 78.04 metres Canadian Geodetic Datum;
  - (b) "*height*" means the vertical distance between *grade* and the highest point of the structure;
  - (c) "*lot*" means those lands outlined by heavy lines on Map 1 attached to and forming part of this By-law;
  - (d) "*non-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*, 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, exclusive of the following areas:
    - (i) a room or enclosed area, including its enclosing walls within the 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 building; and
    - (ii) 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, loading facilities, or other *accessory* use;
  - (e) "*owner*" means the registered owner of the *lot* or any part thereof;
  - (f) "*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*, 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, exclusive of the following areas:
    - (i) a room or enclosed area, including its enclosing walls within the building or structure above or below *grade* that is used exclusively for the

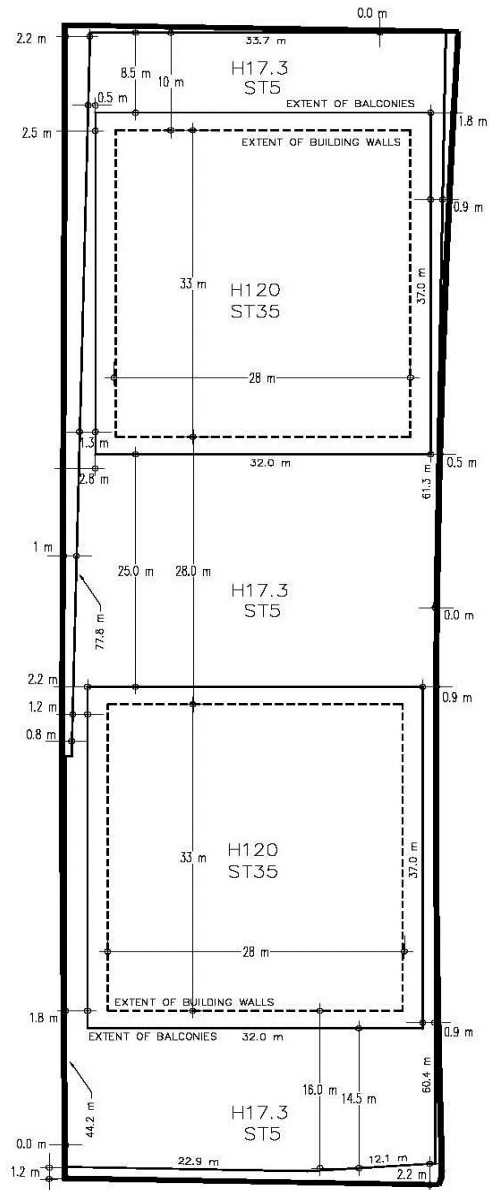
accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators) or telecommunications equipment that serves the building; and

- (ii) 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, loading facilities, *residential amenity space* or other *accessory* use;
  - (g) "*temporary sales showroom*" means a building or structure used for the purpose of the sale of *dwelling units* to be erected on the *lot*; and
  - (h) each other word or expression which is italicized in this By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.
8. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
9. For clarity, Appendix 1 attached to this By-law is incorporated into this By-law and is deemed to be a part of this By-law.
10. 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 ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD  
ISSUED OCTOBER 22, 2014 IN BOARD FILE NO. PL130888.

**MAP 1**

## MAP 2



LAKE SHORE BOULEVARD WEST

WINDERMERE AVENUE

**Note:** H denotes building height measured from established grade (78.04).  
 All dimensions in meters.  
 ST denotes maximum number of storeys



## APPENDIX 1

### Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the *owner's* expense in return for the increase in height and density of the proposed development on the *lot* and secured in an agreement or agreements under Section 37(3) of the *Planning Act*, to be registered on title to the satisfaction of the City Solicitor, whereby the *owner* agrees as follows:

1. The *owner* will agree to pay to the City, prior to the issuance of the first above grade building permit, a cash contribution of \$1,270,000, indexed in accordance with the Non-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 the Section 37 Agreement to the date of submission of the funds by the *owner* to the City (the "Cash Contribution"), to be allocated by the City in consultation with the local Councillor as follows:
  - (i) for the construction of a playground or splash pad in the Western Waterfront Park in a location that will not be shadowed by the development during the facility's hours of use, with the specific location to be determined by the Chief Planner in consultation with the ward Councillor;
  - (ii) for a further traffic study that shall:
    - (1) review traffic operations at the intersection of Lake Shore Boulevard West/Ellis Avenue with particular regard to the operation of the eastbound U-turn movement and pedestrian crossing activity on the west side of the intersection and the possibility of changing the yield sign to a stop sign for traffic travelling south on Ellis Avenue and turning west on Lake Shore Boulevard West;
    - (2) assess and review the feasibility of potential alternatives to provide for the eastbound U-turn and potential pedestrian crossing opportunities west of Ellis Avenue; and
    - (3) review shortcutting activity through the property of 15 Windermere Avenue; and assess potential mitigating measures to reduce such activity, as feasible, to limit shortcutting through this property; and
  - (iii) for local park, streetscape or community facility capital improvements within Ward 13 of the City of Toronto, in the vicinity of the *lot*, in a manner to be determined by the Chief Planner, in consultation with the ward councillor, with first priority being the funding of those community benefits outlined in clauses (i) and (ii) above, and with the distribution of the remaining portion of the Cash Contribution to be determined by the Chief Planner in consultation with the ward Councillor.

2. In the event the Cash Contribution has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the Cash Contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose(s) is (are) identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
3. The *owner* will agree to provide and adhere to the terms of a construction monitoring and mitigation plan, including pre and post construction surveys for 1900-1910 Lake Shore Boulevard West and 15 Windermere Avenue.
4. The *owner* will agree not to seek the closure of a traffic lane on Lake Shore Boulevard West for the duration of the construction period on the understanding that intermittent closures may be required from time to time.
5. The *owner* will agree to grant the City an easement for access and maintenance purposes within that portion of the lot situated between the northern building face and the Gardiner Expressway.
6. The *owner* will agree to implement appropriate façade treatment along the Windermere Avenue and Lake Shore Boulevard West frontages, to be secured through the site plan approval process, to the satisfaction of the Chief Planner.