

**CITY OF TORONTO**

**BY-LAW No. 836-2015(OMB)**

**To amend the former City of Etobicoke Zoning Code with respect to the lands municipally known as 2183 Lake Shore Boulevard West.**

Whereas the owner of the lands known municipally in the year 2014 as 2183 Lake Shore Boulevard West appealed a proposed zoning by-law amendment to the Ontario Municipal Board; and

Whereas the Ontario Municipal Board, by its Orders issued April 17, 2014 and July 8, 2014 in Board File No. PL130522, approved amendments to the former City of Etobicoke Zoning Code with respect to those lands;

Pursuant to the Orders of the Ontario Municipal Board, the Zoning Code of the former City of Etobicoke is amended as follows:

1. That By-law Nos. 8498, 1990-178 and 1990-252 of the former City of Etobicoke are hereby repealed.
2. That the zoning map referred to in Section 320-5 of the Etobicoke Zoning Code is hereby amended by re-affirming the classification of lands located on Schedule "A" attached hereto as Limited Commercial (CL) to Limited Commercial (CL) and Residential – Residential Fourth Density (R4) to Residential – Fourth Density (R4) subject to the provisions of this By-law on the lands identified on Schedule "A" attached hereto.
3. Notwithstanding Sections 320-18.B, 320-18.C, 320-18.D, 320-19, 320-23, 320-79, 320.80, 320-82 and 320-93 of the Etobicoke Zoning Code, the following provisions shall apply to the lands zoned CL and R4 on Schedule "A" and "B" attached hereto.
4. Except as otherwise provided herein, the provisions of the Zoning Code of the former City of Etobicoke, as amended, shall continue to apply to the site.
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:

"Building Envelope" – means the building area permitted within the setbacks established in this By-law and shown on Schedule "B".

"Grade" – as defined by By-law No. 1994-197, as amended, Section 11(h), shall be the geodetic elevation of 82.05 metres above sea level at Lake Shore Boulevard West and 78.65 metres above sea level at Marine Parade Drive.

"Height" – means, with respect to a building erected on the Lands, the vertical distance between the Grade of the Lands as defined by this By-law and the highest point of the

roof surface of the building, but excludes a mechanical penthouse and elevator machine room to a maximum height of 17 metres.

"Lands" – shall mean the lands outlined by heavy lines on the attached Schedule "A".

"Lake Shore Boulevard West Widening" – shall mean part of the Lands to be conveyed to the City of Toronto to widen Lake Shore Boulevard West as shown on Schedule "A" and "B" attached to this By-law.

"Loading Space – Type B" – means a loading space with a minimum length of 11.0 metres, a minimum width of 3.5 metres and a vertical clearance of 4.0 metres.

"Loading Space – Type C" – means a loading space with a minimum length of 6.0 metres, a minimum width of 3.5 metres and a vertical clearance of 4.0 metres.

"Loading Space – Type G" – means a loading space with a minimum length of 13.0 metres, a minimum width of 4.0 metres and a vertical clearance of 6.1 metres.

"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/or telecommunications equipment that serves a building on the Lands.

"Lot" – means the Lands.

"Minor Projections" – means the minor structural or building elements which may project beyond the Building Envelope into required setbacks and above permitted Height as defined by this By-law, including roof eaves, window sills, downspouts, balustrades, railings, cornices, guard rails, canopies, balconies, terraces, lighting rods, mechanical equipment such as vents and air conditioning and heating units, exterior stairs and covered ramps, parapets, landscape and outdoor recreational amenity elements, wind mitigation features, decorative elements, elements of a green roof, to a maximum projection of 2.5 metres.

"Owner" – means the owner of the Lands as defined by this By-law.

"Residential Amenity Area" – means a common area or areas within the Lands which are provided for the exclusive use of residents of a building for recreation or social purposes.

"Street D" – means part of the Lands for a future public road, 16.5 metres in width, to be conveyed to the City of Toronto as shown on Schedules "A" and "B" hereto.

**6. By-law No. 1994-197**

That By-law No. 1994-197, as amended, be further amended by adjusting the boundary of the lands zoned Limited Commercial – CL as shown on Schedule "A" of that By-law, deleting reference to Parcel 1 on Schedule "B" and the Commercial Development Site Area in Schedule "C" all in order to permit the uses, maximum gross floor area, height

and building envelopes set out in this By-law and shown on Schedule "A" and "B" attached hereto.

**7. Height**

Notwithstanding By-law No. 1994-197, Schedule "D", as amended, and Section 320-68 of the Zoning Code:

- (a) The Height of Tower "A", as measured from the established Grade of Lake Shore Boulevard (82.05 metres), shall not exceed the height shown on Schedule "B".
- (b) The Height of Tower "B", as measured from the established Grade of Marine Parade Drive (78.65 metres), shall not exceed the height shown on Schedule "B".
- (c) The Height of other buildings within the Building Envelopes permitted on the Lands shall be as shown on Schedule "B".

**8. Permitted Uses**

- (a) On Lands zoned Limited Commercial (CL), all the uses permitted by Section 7 of By-law No. 1994-197, as amended, are permitted.
- (b) On Lands zoned Residential Fourth Density (R4), all of the uses permitted by Section 5 of By-law No. 1994-197, as amended, are permitted.
- (c) In addition to the uses permitted by 8(a) and 8(b) above, the following additional uses are permitted: pedestrian walkways, fencing, underground parking garages, bicycle parking spaces at and below grade, Residential Amenity Area, temporary sales office, and uses permitted in the Private Open Space Zone Section 320-29.

**9. Gross Floor Area**

Notwithstanding Subsections 3 and 11 of By-law No. 1994-197, as amended, and Sections 304-3 of the Zoning Code, the following provisions shall more specifically apply to the Lands subject to this By-law and the Building Envelopes thereon:

- (a) The maximum total gross floor area permitted on the Lands shall be 88,300 square metres.
- (b) The maximum total residential gross floor area permitted on the Lands shall be 85,700 square metres.
- (c) The maximum total commercial gross floor area permitted on the Lands shall be 2,700 square metres.
- (d) No residential gross floor area, excluding Residential Amenity Area, shall be located on the Lands zoned Limited Commercial – CL on Schedule "A-1".
- (e) For the purpose of calculating the gross floor area permitted on the Lands, in addition to the floor areas excluded in Subsection 11(b) of By-law No. 1994-197

and Section 304-3 of the Zoning Code, the following areas may also be excluded: Residential Amenity Area; Mechanical Floor Area; storage rooms above or below Grade for bicycle parking, loading, waste handling, and lockers; vehicular parking below Grade; and, ground floor retail/commercial service areas developed in combination with any other permitted use having an equal or larger floor area in the same building.

**10. Residential Units**

Notwithstanding Subsection 11(a) of By-law No. 1994-197 and Section 320-39 of the Zoning Code:

- (a) the maximum number of dwelling units permitted on the Lands shall be 1,285 excluding guest suites; and
- (b) no residential dwelling units shall be permitted on that part of the Lands zoned CL on Schedule "A".

**11. Road Dedication**

- (a) The Owner shall convey Street D to the City of Toronto and the Lake Shore Boulevard West Widening as shown on Schedules "A" and "B".
- (b) Notwithstanding 9(a), an underground parking garage and related servicing and stormwater management facilities shall be permitted to encroach on a stratified basis below the boulevard portion Street D conveyance but not under the travelled roadway.
- (c) The underground parking garage shall not be permitted to encroach beneath the Lake Shore Boulevard West Widening.

**12. Parking and Loading Requirements**

Notwithstanding By-law No. 1994-197, as amended, and Sections 320-18, 320-19 and 320-23 of the Zoning Code, or any other provision of the Zoning Code related to parking or loading which may be inconsistent with the following provisions, the following requirements shall apply to the Lands:

- (a) The minimum parking to be provided residential dwelling units is:
  - Bachelor – 0.7 spaces/unit
  - 1 Bedroom – 0.8 spaces/unit
  - 2 Bedroom – 0.9 spaces/unit
  - 3 Bedroom – 1.1 spaces/unit
- (b) The minimum parking to be provided for visitors to the residential dwelling units is 0.15 spaces/unit.

- (c) The minimum parking to be provided for commercial uses is 1 space per 100 square metres of commercial gross floor area.
- (d) A minimum of one parking stall for every 100 parking stalls, or part thereof, is required exclusively for use by the physically disabled.
- (e) Visitor and commercial parking may be shared on a non-exclusive basis in the underground parking garage.
- (f) Residential parking shall be provided on an exclusive basis within the underground parking garage.
- (g) A minimum of 1 Loading Space-Type G, 2 Loading Space-Type B and 1 Loading Space – Type C shall be provided on the Lands.
- (h) The required loading spaces provided may be shared between the residential and commercial uses permitted on the Lands and may be provided in a common loading facility internal to the Building Envelopes shown on Schedule "A-2". A connection through the underground parking garage for the transfer of goods and solid waste handling shall be maintained between the mixed-use buildings on the lands.

### 13. Building Setbacks

Notwithstanding Section 11(k) of By-law No. 1994-197, as amended, and Section 320-39 to 320-42 of the Zoning Code, all building and structures shall be within the Building Envelopes shown on Schedule "A-2", with the exception of Minor Projections and other below grade projections permitted by this By-law.

### 14. Where the provisions of this By-law conflict with the provisions of By-law No. 1994-97, as amended, or the Zoning Code, the provisions of this By-law shall apply.

### 15. 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 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, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) 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, GST/HST, termination and unwinding, and registration and priority of 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 and/or matters as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied said requirements. The owner of the Site, at the owner's expense

and in accordance with, and subject to the agreement(s) 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 by this By-law:

- (a) The Owner will provide a cash contribution of \$1,327,500, prior to the issuance of an above-grade Building Permit, as a contribution to be used for capital improvement projects in Ward 6 at the direction of the ward Councillor in consultation with City Legal and the Chief Planner and Executive Director, City Planning;
- (b) Require that the cash amounts identified in A above shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication 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;

As a legal convenience, the following matters shall be secured in the Section 37 Agreement:

- (c) The Owner will provide 42 parking spaces as publicly accessible in the parking garage;
- (d) The Owner will provide public access easements over the at-grade walkways and landscaped courtyard on site; and
- (e) The Owner shall construct and maintain the development substantially 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 through adoption of item PG32.3 of the Planning and Growth Management Committee.

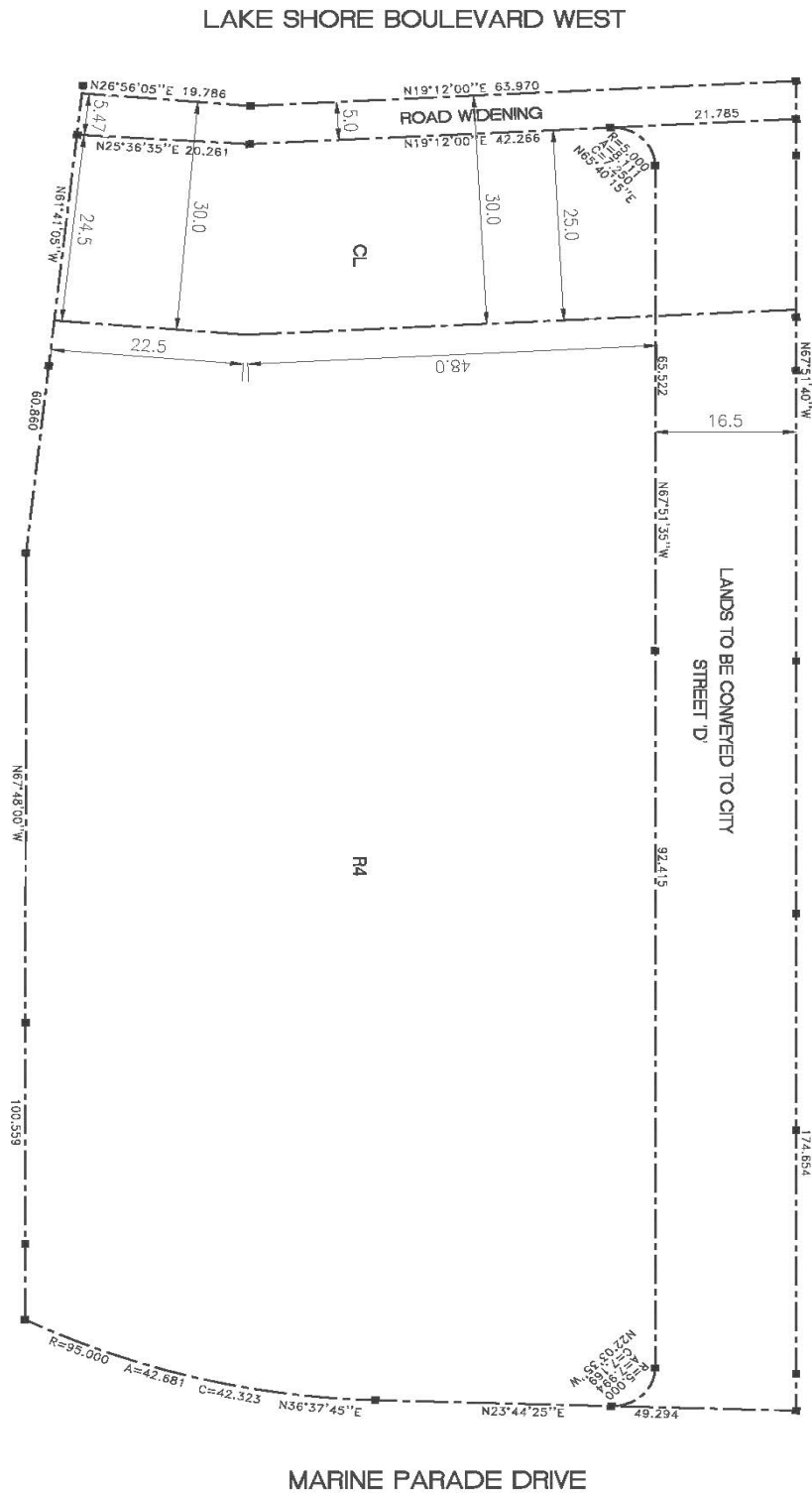
- 16.** Despite any existing or future severance, partition, or division of the Lands, the provisions of this By-law shall apply to the whole of the Lands as if no severance, partition or division occurred.

17. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to included reference to this By-law by adding the following to Section 324.1, Table of Site Specific By-laws:

<b>BY-LAW NUMBER</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>PURPOSE OF BY-LAW</b>
836-2015(OMB)	Lands located on the east side of Lake Shore Boulevard West and the west side of Marine Parade Drive municipally known as 2183 Lake Shore Boulevard West	To amend the existing Limited Commercial (CL) and Fourth Density Residential (R4) zoning with site-specific provisions to allow for a mixed-use development

PURSUANT TO THE DECISIONS/ORDERS OF THE ONTARIO MUNICIPAL BOARD  
ISSUED APRIL 17, 2014 AND JULY 8, 2014 IN BOARD FILE NO. PL130522.

## Schedule "A"





## Schedule "B"

