

68 Marine Parade Drive – Zoning By-law Amendment and Site Plan Control Applications – Lifting of the Holding (H) Symbol

Date:	January 26, 2012
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 6 – Etobicoke-Lakeshore
Reference Number:	02 035766 WET 06 OZ

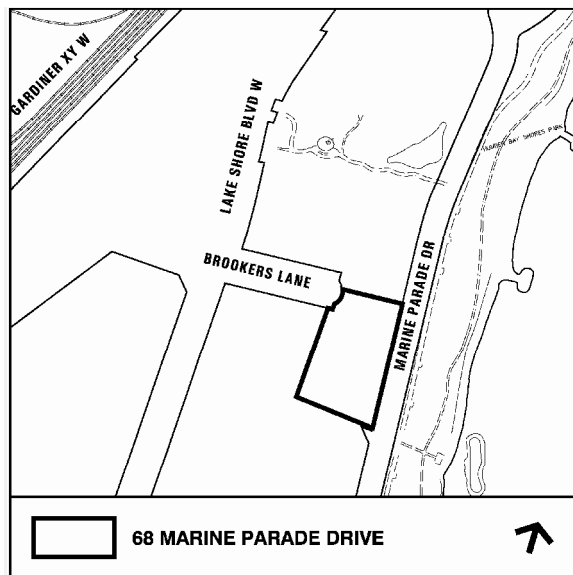
SUMMARY

The purpose of this report is to allow for the Holding (H) symbol to be lifted from 68 Marine Parade Drive. This report provides background on the provisions of the Holding (H) symbol and reasons for lifting the Holding (H) symbol prior to final Site Plan Approval.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council further amend By-laws 1994-149 and 1994-197 by deleting the Holding (H) designation for the lands at 68 Marine Parade Drive by enacting a by-law substantially in accordance with the draft by-law attached as Attachment 4 to the report dated January 26, 2012.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft by-law to lift the Holding (H) symbol, as may be required.



3. City Council delete Recommendation 4 from the Final Report that was adopted by City Council on July 19, 20, 21 and 26, 2005, entitled "Final Report – Official Plan Amendment and Rezoning Application, 2115-2139 Lake Shore Boulevard West", as follows:

Approve the application to lift the Holding "H" provisions to permit the next phase of development (Phase 4) on the lands shown on Attachment No. 1, subject to final Site Plan approval and the signing of other agreements, as required.

4. Before introducing the necessary Bill to City Council for enactment, the owner shall be required to provide a Letter of Undertaking to the satisfaction of the Executive Director of Technical Services and the Director of Community Planning, Etobicoke York District, in consultation with the City solicitor, to:
 - (i) Require the owner to enter into the Core Infrastructure Agreement associated with the Landowner's Precinct Plan for the Humber Bay Shores Area; and
 - (ii) Require the owner to pay their proportionate share of the costs of the municipal roads, road improvements, services and any upgrade required to support the developments within the Humber Bay Shores Area. The municipal works are based on the Precinct Plan of the Humber Bay Shores Area accepted by Technical Services and Transportation Services.

DECISION HISTORY

The proposed development at 68 Marine Parade Drive is the last phase of a larger development site known as 2115-2139 Lake Shore Boulevard West. A Final Report regarding this site was considered and adopted by City Council in July 2005. The recommendations included authorization to lift the Holding (H) symbol when the provisions of the (H), as described in By-laws 1994-149 and 1994-197, are satisfied and when final Site Plan Approval was obtained.

<http://www.toronto.ca/legdocs/2004/agendas/council/cc040720/tw6rpt/agendain.pdf>

On September 30, 2009, City Council considered a Final Report that dealt with Official Plan and Zoning Bylaw Amendments specifically for the lands at 2123 Lake Shore Boulevard West and 68 Marine Parade Drive. The report and adopted recommendations did not refer to the removal of the Holding (H) symbol.

<http://www.toronto.ca/legdocs/term2006-2010/ey-mtgs.htm>

ISSUE BACKGROUND

The subject property is within the Humber Bay Shores Precinct Plan, which has area-specific zoning that was implemented in 1994 via By-laws 1994-149 and 1994-197. The Holding (H) symbol that applies to the subject property was established by these by-laws to ensure that an appropriate road network, infrastructure, and amenities have been

secured by the City before any development proceeds. Both of these by-laws provide provisions to lift the Holding (H) symbol from the subject lands (see Attachments 1 and 2).

The Humber Bay Shores Precinct Plan was created to provide a comprehensive plan that provides direction on the road network and other infrastructure improvements. All proposed developments within Humber Bay Shores must be consistent with the Precinct Plan. A Final Report on the Precinct Plan was considered by Etobicoke York Community Council on May 25, 2010, and the recommendations to approve the Precinct Plan were subsequently adopted by City Council on June 8, 2010.

A Site Plan application for the proposed development was submitted in December 2008 and is currently under review.

COMMENTS

The proposed development at 68 Marine Parade Drive has satisfied all the applicable provisions to lift the Holding (H) symbol as detailed in By-laws 1994-149 and 1994-197 (see Attachments 1, 2 and 3).

In considering the Final Report – Official Plan Amendment and Rezoning Application, 2115-2139 Lake Shore Boulevard West, on July 19, 20, 21 and 26, 2005, City Council approved a recommendation to maintain the Holding (H) symbol on the subject lands until final Site Plan Approval was granted. This was done largely to ensure the proposed development was consistent with the Humber Bay Shores Precinct Plan and to ensure agreements were in place to secure all the necessary infrastructure improvements. As detailed below, the design of the surrounding road network is now essentially finalized and an Infrastructure Agreement that is associated with the Precinct Plan has been drafted. Given this progress the Holding (H) symbol should now be removed.

The recommendations contained in this report will, if adopted, have the effect of lifting the Holding (H) symbol immediately. This timing is appropriate based on the following:

1. The surrounding road network, namely Marine Parade Drive, Street 'A', and Street 'C', has been established and construction of the roadways is nearly complete. The surrounding road network is acceptable and will not require any changes.
2. The design of the proposed building at 68 Marine Parade Drive has been substantially reviewed and staff are presently preparing the Notice of Approval Conditions (NOAC). The impending Site Plan Agreement will provide further opportunities to secure any necessary infrastructure improvements.
3. The Notice of Intention to remove the Holding (H) symbol was issued on July 25, 2011, indicating that City Council may remove the Holding (H) symbol from 68 Marine Parade Drive any time after September 26, 2011.

4. The owner is required to enter into an Infrastructure Agreement associated with the Precinct Plan to ensure necessary improvements to infrastructure within the Humber Bay Shores Area. This agreement is under review.
5. The owner shall be required to provide a Letter of Undertaking to the satisfaction of the Executive Director of Technical Services and the Director of Community Planning, to:
 - (i) Require the owner to enter into the Core Infrastructure Agreement associated with the Landowner's Precinct Plan for the Humber Bay Shores Area; and
 - (ii) Require the owner to pay their proportionate share of the costs of the municipal roads, road improvements, services and any upgrade required to support the developments within the Humber Bay Shores Area. The municipal works are based on the Precinct Plan of the Humber Bay Shores Area accepted by Technical Services and Transportation Services.

For these reasons it is appropriate to lift the Holding (H) symbol for 68 Marine Parade Drive at this time.

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SIGNATURE

Thomas C. Keefe
Director, Community Planning
Etobicoke York District

ATTACHMENTS

- Attachment 1: Holding (H) Provisions from Bylaw 1994-149
- Attachment 2: Holding (H) Provisions from Bylaw 1994-197
- Attachment 3: Explanation of Satisfaction of Holding (H) Provisions
- Attachment 4: Draft By-law to Lift the Holding (H) Symbol from 68 Marine Parade Drive

Attachment 1: Holding (H) Provisions from Bylaw 1994-149

- 6.(a) The holding (H) symbol has been applied by this by-law to the Mixed Use Holding (MU-H) lands shown on Schedule 'A' attached hereto in order to satisfy the following purposes:
- (i) In recognition of the requirement for the acquisition of a public body of all land necessary to accommodate lake filling, the Waterfront Public Amenity Area, the Waterfront Drive and associated stormwater management facilities prior to development; and
 - (ii) Pursuant to Official Plan Amendment No. C-65-86, as approved, the need to phase the development in conjunction with the provision of a major retail/service component and public parking facility.
 - (iii) The need to ensure that units which are substituted for conventional units on a 3:1 basis in accordance with sections 15.10.2.4 and 15.4.5 of Official Plan Amendment No. C-65-86 are Special (Seniors) Units.
 - (iv) To ensure that appropriate regard has been had for compatibility with existing adjacent land uses as contemplated by Sections 15.9.0 and 15.11.0 of Official Plan Amendment C-65-86.
- (b) An amending by-law shall be enacted by Council, deleting the (H) symbol from all or part of the lands, when the following conditions have been fulfilled:
- (i) When binding commitments have been secured to acquire under public ownership the public amenity strip as shown on Schedule 'D' attached hereto; and
 - (ii) Subject to the fulfilment of condition (i) above, the (H) symbol shall be deleted to permit the construction of a maximum of 883 conventional residential units. A maximum of 245 Seniors' Dwelling Units may be substituted for any portion of 81 of the conventional residential units on a 3:1 basis, subject to an (H) symbol. The (H) symbol shall be removed where the City of Etobicoke has approved a site plan and an agreement is entered into pursuant to s.41 of the Planning Act. R.S.O. 1990 c.P.13, as amended, which site plan may include appropriate unit sizes, and design features, associated amenities, or other features for seniors.
 - (iii) Subject to:
 - A fulfilment of condition (i) above, and
 - B the entering into of an agreement with the City of Etobicoke to provide Warning Clauses for air quality with respect to residential

units in buildings located north of Right-of-Way 'A' and west of Right-of-Way 'C' as described on Schedule 'C' attached hereto, said Warning Clauses to be in the disclosure statements in the event that the buildings are condominium, and in the offer to lease if the buildings are rental.

The (H) symbol shall be deleted from those lands north of Right-of-Way 'A' as described on Schedule 'c' attached hereto, to permit the construction of:

- (1) a maximum of 662 conventional residential units or, subject to the fulfilment of condition (ii) above, a combined maximum of 826 conventional residential units and Seniors' Dwelling Units;
- (2) a hotel with up to 400 rooms; and
- (3) a maximum of 13 935 m2 of retail floor space, provided that any building or part of a building located within the area within 90 metres of the centreline of the 1995 Right-of-Way of Lake Shore Boulevard West, extending from Right-of-Way 'A' to a line parallel to the lined formed by the northernmost extent of the lands zoned MU-H hereby but located 45 metres to the south of same, generally as described on Schedule 'E' attached hereto:
 - (a) maintains a uniform setback from Right-of-Way 'A' to the building wall closest to Right-of-Way 'A' of each storey above the first storey above grade, up to and including the fifth storey above grade, except that unenclosed balconies may extend a maximum of 2.0 metres into the setback required in this clause; and,
 - (b) contains no residential units with exterior walls in that part of the building wall closest to Right-of-Way 'A' as described below:
 - i) between grade and 89.9 metres above mean sea level for 30 metres from the closest point of the 1995 Right-of-Way of Lake Shore Boulevard West; and,
 - ii) between grade and 87.3 metres above mean sea level for 45 metres from the closest point of the 1995 Right-of-way of Lake Shore Boulevard West.

For the purposes of this section "uniform" shall mean equidistant plus or minus 0.5 metres.

An amending by-law shall be enacted by Council, deleting the (H) symbol from the balance of the lands (south of Right-of-Way 'A'), When the following conditions have been fulfilled:

- A the commencement of construction of a major retail/service component within the project; and
- B the securing of a binding agreement to provide for a minimum of 300 public parking spaces either on the lands or at another location within the Motel Strip Development: area acceptable to the City of Etobicoke; and
- C preparation of reports by qualified acoustical and air quality consultants to the satisfaction of the City of Etobicoke and Ministry of Environment and Energy which addresses the extent of the predicted noise and air quality exposure from both existing surrounding uses and proposed industrial expansion, if any. Any noise attenuation and air quality measures indicated to be required therein are to be secured to the satisfaction of the City of Etobicoke; and,
- D the compliance with Sections 15.9.1, 15.9.2, 15.9.3, 15.9.4, 15.9.5 and 15.11.0 of the Motel Strip Secondary Plan C-65-86..

Attachment 2: Holding (H) Provisions from Bylaw 1994-197

SCHEDULE 'F' HOLDING PROVISIONS

1. The adequacy of school facilities, or the availability of school sites to serve the development site and the existing cumulative development which exists or which is approved at the time of consideration of the development proposal.
2. The sufficiency of municipal or Metropolitan infrastructure, including sewer, water, road, transit and park networks serving the development site.
3. Compliance of the redevelopment proposal with the requirements of the Urban Design Guidelines in Appendix A and the principles and procedures outlined in Section 15.8.0 of Official Plan Amendment C-65-86.
4. The submission to, and approval by, the City, the Ministry of the Environment and Energy and Metropolitan Toronto and Region Conservation Authority, of individual stormwater management plans, as outlined in Section 15.9.4 Stormwater Management of Official Plan Amendment C-65-86, and the owner or owners have entered into a legally binding agreement or agreements with the city to guarantee the implementation of the recommendations.
5. The submission to, and approval by, the City and the Ministry of the Environment and Energy of the soil quality, hydrogeological and geotechnical study or studies as outlined in Section 15.9.5 Soil Management of Official Plan Amendment C-65-86, and the execution by the development proponent and/or owner(s) of the lands of legally binding agreement or agreements with the City to guarantee the implementation of the recommendations.
6. The submission to, and approval by, the City and the Ministry of the Environment of the acoustic and air quality study or studies as outlined in Section 15.9.6 Noise and Air Quality of Official Plan Amendment C-65-86, and the execution by the development proponent and/or owner(s) of the lands of legally binding agreement or agreements with the City to guarantee the implementation of the recommendations.
7. The submission of any required financial contributions, including parkland contributions, and development levies.
8. The acquisition, by a public body, of all land required to accommodate the Waterfront Public Amenity Area, the Waterfront Drive and the Stormwater Management facilities including the water quality pond.

Attachment 3: Explanation of Satisfaction of Holding (H) Provisions

The following provide an explanation of how the provisions to lift the Holding (H) symbol have been satisfied with respect to By-law Nos. 1994-149 and 1994-197. Please note that the subject property, 68 Marine Parade Drive, is included within the lands previously referred to as 2115-2139 Lake Shore Boulevard West.

By-law No. 1994-149, Section 6

- 6.(a) (i) Not applicable to subject property (68 Marine Parade Drive).
- (ii) Not applicable to subject property (68 Marine Parade Drive).
- (iii) Not applicable to subject property (68 Marine Parade Drive).
- (iv) Not applicable to subject property (68 Marine Parade Drive).
- (b) (i) The required public amenity strip has been conveyed to the City.
- (ii) The maximum number of permitted units for 2115-2139 Lake Shore Boulevard West was amended by By-law No. 297-2006 to permit a maximum of 1,460 units. The proposed development is complies with the maximum number of permitted units. Site Plan agreements for previous phases of development at 2115-2139 Lake Shore Boulevard West, as well as a Section 37 agreement for the entirety of 2115-2139 Lake Shore Boulevard West, have secured all appropriate amenities.
- (iii) Subject to:
 - A. condition (i), above, has been satisfied.
 - B. Not applicable to subject property (68 Marine Parade Drive).

An amending by-law shall be enacted by Council, deleting the (H) symbol from the balance of the lands (south of Right-of-Way 'A'), When the following conditions have been fulfilled:

- A. Construction has commenced on the major retail/service component within the project (2123 Lake Shore Boulevard West)
- B. A minimum of 300 public parking spaces has been secured through Site Plan Agreements for previous phases of development at 2115-2139 Lake Shore Boulevard West.

C. Acoustical and Air Quality Reports have been prepared and approved for the subject property through previous phases of development at 2115-2139 Lake Shore Boulevard West.

D. The proposed development complies with Sections 15.9.1, 15.9.2, 15.9.3, 15.9.4, 15.9.5 and 15.11.0 of the Motel Strip Secondary Plan C-65-86, found in Chapter 15 of the former City of Etobicoke Official Plan, as the previous phases of development at 2115-2139 Lake Shore Boulevard West had provided the necessary environmental and stormwater management reports.

By-law No. 1994-197, Schedule 'F'

1. There is an adequate supply of school facilities and/or availability of school sites to serve the proposed development and the existing cumulative development.
2. There is sufficient municipal infrastructure, including sewer, water, road, transit and park networks, to serve the proposed development.
3. The proposed development complies with the requirements of the Urban Design Guidelines and the principles and procedures outlined in Section 15.8.0 of Official Plan Amendment C-65-86.
4. Stormwater management reports for 2115-2139 Lake Shore Boulevard West have been submitted and approved by the City, the Ministry of the Environment, and Toronto and Region Conservation. The report is consistent with the requirements outlined in Section 15.9.4 of Official Plan Amendment C-65-86. The owner has entered into agreements with the City to guarantee the implementation of the report recommendations through previous Site Plan applications for 2115-2139 Lake Shore Boulevard West.
5. Soil quality, hydrogeological, and geotechnical studies for 2115-2139 Lake Shore Boulevard West have been submitted and approved by the City and the Ministry of the Environment. The reports are consistent with the requirements outlined in Section 15.9.5 of Official Plan Amendment C-65-86. The owner has entered into agreements with the City to guarantee the implementation of the reports' recommendations through previous Site Plan applications for 2115-2139 Lake Shore Boulevard West.
6. Acoustic and air quality studies for 2115-2139 Lake Shore Boulevard West have been submitted and approved by the City and the Ministry of the Environment. The reports are consistent with the requirements outlined in Section 15.9.6 of

Official Plan Amendment C-65-86. The owner has entered into agreements with the City to guarantee the implementation of the reports' recommendations through previous Site Plan applications for 2115-2139 Lake Shore Boulevard West.

7. The applicant has submitted the required financial contributions under Section 37 of the Planning Act, has provided the required parkland contributions, and shall be required to provide development levies prior to issuance of an above-grade building permit.
8. No further land conveyance is required from the subject property to accommodate the Waterfront Public Amenity Area, Waterfront Drive (i.e. Marine Parade Drive) or stormwater management facilities.

Attachment 4: Draft By-law to Lift the Holding (H) Symbol from 68 Marine Parade Drive

Authority: Etobicoke York Community Council Item No. _____
as adopted by City of Toronto Council on _____, 2012
Enacted by Council: _____, 2012

CITY OF TORONTO
BY-LAW No. ____-2012

To amend Chapter 324 of the Etobicoke Zoning Code and to lift the Holding 'H' provisions on lands located within the Humber Bay Shore Development Area, municipally known as 68 Marine Parade Drive.

WHEREAS pursuant to Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, Council has imposed a Holding 'H' symbol on the lands shown in striped lines on Schedule 'A' attached hereto; and

WHEREAS Council is satisfied that the conditions imposed by the Ontario Municipal Board in the Order dated December 22, 1995, relating to the lifting of the Holding 'H' symbol from the subject lands have now been satisfied and Council has given notice of its intention to lift the Holding 'H' symbol;

The Council of the City of Toronto HEREBY ENACTS as follows:

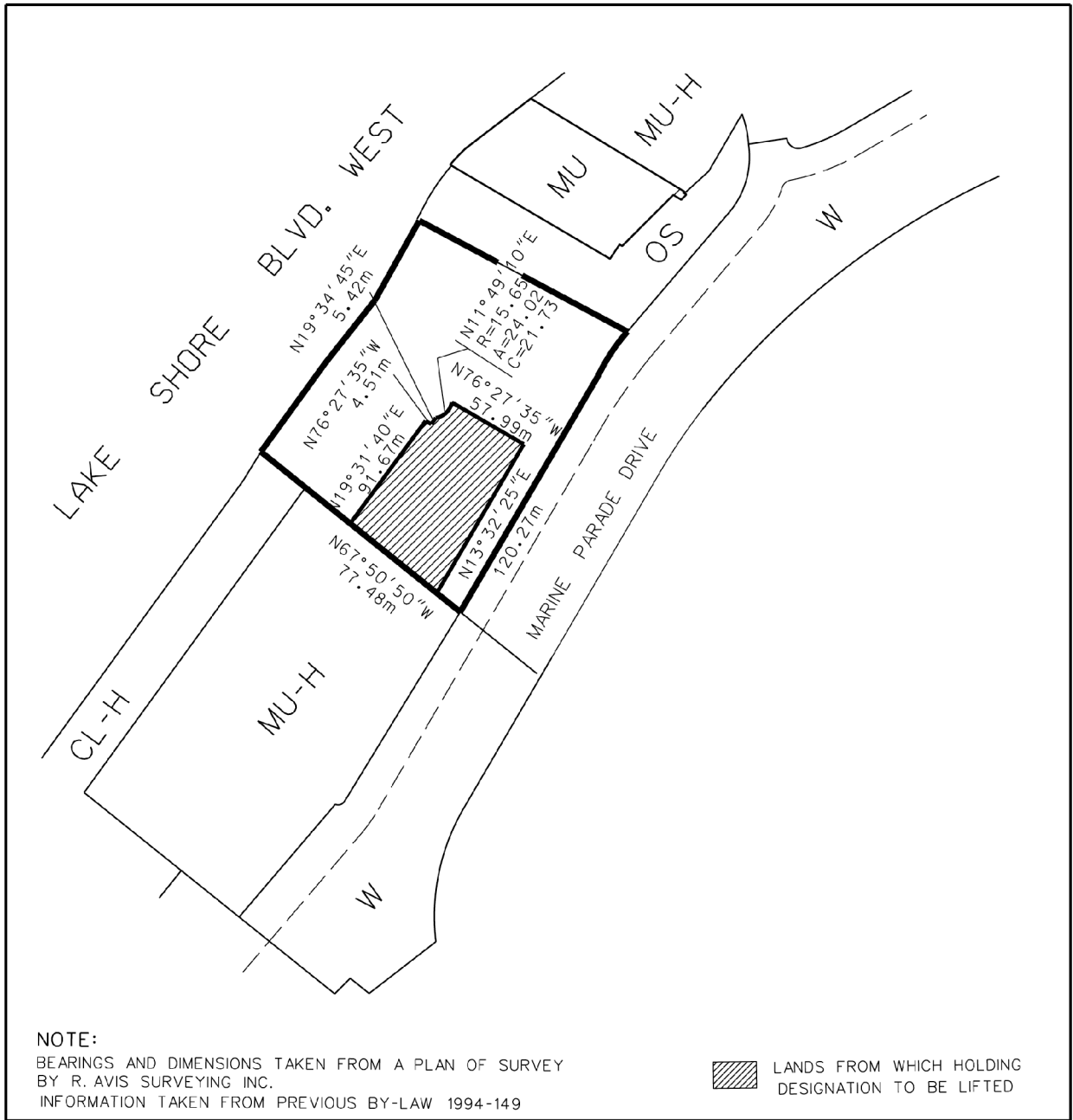
1. That By-law Nos. 1994-149 and 1994-197, as amended, pursuant to an Ontario Municipal Board Order dated December 22, 1995, be further amended by deleting the Holding 'H' designation from the lands shown in striped lines on Schedule 'A' attached hereto so that the lands may be developed in accordance with the underlying Mixed Use (MU) zoning in accordance with the aforesaid By-laws.
2. 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:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
____-2012 _____, 2012	Lands located on the west side of Marine Parade Drive, adjacent to the south side of Brookers Lane, municipally known as 68 Marine Parade Drive.	To lift the Holding 'H' symbol from the lands municipally known as 68 Marine Parade Drive.

ENACTED AND PASSED this ____ day of _____, A.D. 2012

ROB FORD,
Mayor
(Corporate Seal)

ULLI S. WATKISS
City Clerk

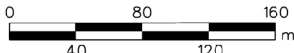



NOTE:

BEARINGS AND DIMENSIONS TAKEN FROM A PLAN OF SURVEY BY R. AVIS SURVEYING INC.
 INFORMATION TAKEN FROM PREVIOUS BY-LAW 1994-149

 LANDS FROM WHICH HOLDING DESIGNATION TO BE LIFTED

**PART OF LOT 28, REGISTERED PLAN 1176 AND PART OF LOT 1, REGISTERED PLAN 1229 AND PART OF WATER LOT (IN FRONT OF LOT 1, REGISTERED PLAN 1229) AND PART OF WATER LOT (PATENTED TO ALEXANDER JAMES BURROWS, AUG 12, 1880 (CLS42807)) (IN FRONT OF LOT 28, REGISTERED PLAN 1176)
 CITY OF TORONTO**

Applicant's Name:		MONARCH CONSTRUCTION	
Assessment Map B10	68 Marine Parade Drive		scale:  m 
File No. 08_231731 WET 06 SA	Drawing No. 08_231731_dz1	Drawn By: K.P.	