

Authority: Etobicoke York Community Council Item 29.2, as adopted by City of Toronto Council on December 16 and 17, 2013

CITY OF TORONTO

Bill No.

BY-LAW No. -2013

To amend former the City of Etobicoke Zoning Code, as amended, with respect to the lands municipally known as 3560, 3580 and 3600 Lake Shore Boulevard West.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law;

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*;

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development;

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law;

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, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by the former City of Etobicoke Zoning Code, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The Zoning Map referred to in Section 330-2 Article II of the former City of Etobicoke Zoning Code, originally attached to Village of Long Branch By-law 23/64, as amended, is hereby amended by changing the classification of the lands located in the former Village of Long Branch as described in Schedule "A" attached hereto from Class 1 Industrial (I.C1) and Commercial (C1) to Residential Multiple -1 (RM-1), Greenspace (G) and Commercial-Avenues (C1-AV).
2. For the purposes of this By-law:
 - A. "Townhouse dwelling units" shall mean multiple dwellings consisting of a series of attached dwelling units each having a direct access from the outside;

- B. "Established Grade" shall mean the point at the intersection of a line extended from the mid-point of the Building Envelope with the property line abutting the nearest public right of way. Where a Building Envelope is adjacent to two public right of ways, Established Grade shall be taken from the midpoint of the shorter side of the Building Envelope;
 - C. "Height" shall mean the vertical distance between Established Grade and the highest point of the roof surface of the building or the point halfway up the surface of a pitched roof, but shall exclude mechanical equipment, mechanical penthouses, stairs, stair enclosures, parapets, rooftop balcony guards, acoustic and privacy fences and landscape features located on the roof of the building;
 - D. "Building Envelope" shall mean the building area permitted within the setbacks established on the attached Schedule "B";
 - E. "Outdoor Amenity Space" shall mean space provided for private outdoor enjoyment in the form of balconies, porches, patios or common landscaped areas; and
 - F. "West Façade" shall mean the westerly exterior wall which is at or setback from the Building envelope for the Building Envelope located within Building Envelope 10 or Building Envelope 11 as identified on Schedule "B" attached hereto.
3. Notwithstanding Sections 330-23, 330-26, 330-32 and 330-40, 330-41 and 330-42, the following development standards shall be applicable to the lands described by Schedule "A" attached hereto:
- A. A maximum of 530 dwelling units shall be permitted;
 - B. A total gross floor area of 54,000 square metres is permitted;
 - C. On lands zoned RM-1, the only permitted uses shall be Townhouse Dwelling Units;
 - D. On lands zoned C1-AV, the uses permitted shall be those permitted in the C1-AV Zone of Zoning By-law No. 1055-2004 and Townhouse Dwelling Units provided they are located more than 30m from Lake Shore Boulevard West; and
 - E. A minimum non-residential gross floor area of 600 square metres shall be provided on lands zoned C1-AV.
4. Development on lands zoned Commercial-Avenues (C1-AV) on Schedule "A" shall be in accordance with Zoning By-law No. 1055-2004 with the following exceptions:
- A. Notwithstanding Section 3.A. of By-law No. 1055-2004, no portion of any above grade structure erected or used on lands zoned C1-AV lands shall extend beyond the heavy lines on Schedule "B" attached hereto except for access stairs and

railings to underground parking, underground vents, terraces, uncovered steps to grade and patios, balconies, covered and uncovered porches, transformers, garbage chutes, mail kiosks, utility boxes and other Minor Projections as defined by By-law No. 1055-2004;

- B. Notwithstanding Section 3.F. of By-law No. 1055-2004, the maximum building height permitted on lands zoned C1-AV shall be as indicated on Schedule "B";
- C. Section 3.H.(3) of By-law No. 1055-2004 shall not apply;
- D. Notwithstanding Section 3.H.(4) and (5) of By-law No. 1055-2004, indoor and outdoor amenity space for apartment dwelling units shall be provided at a rate of 1.2 square metres per unit;
- E. Outdoor Amenity Space shall be prohibited on the rooftop of Building Envelope B-4 as identified on Schedule "B";
- F. Outdoor Amenity Space shall be prohibited on the rooftop of Building Envelope 14 as identified on Schedule "B", unless a continuous minimum 1.5 metre high acoustic barrier with no gaps, vertically or horizontally, is provided on the rooftop commencing at the northwest corner of the rooftop Outdoor Amenity Space and continuing along the west side of the building for a minimum distance of 18 metres;
- G. Notwithstanding Section 4.A. of By-law No. 1055-2004, parking spaces for residential uses shall be provided in accordance with the following minimum ratios:
 - i. Bachelor apartment dwelling Units at 0.70 parking spaces per dwelling unit;
 - ii. One-bedroom apartment dwelling units at 0.8 parking spaces per dwelling unit;
 - iii. Two-bedroom apartment dwelling units at 0.9 parking spaces per dwelling unit;
 - iv. Apartment dwelling units with three or more bedrooms at a rate of 1.10 parking spaces per dwelling unit; and
 - v. Residential visitor parking at 0.15 parking spaces parking per dwelling unit.
- H. Notwithstanding Section 4.A. of By-law No. 1055-2004, parking for permitted commercial uses shall be provided at a minimum parking ratio of 2.5 spaces per 93 square metres of gross floor area;
- I. Notwithstanding Section 4.A. of By-law No. 1055-2004, parking spaces required for residential visitor parking are permitted to be shared with commercial parking requirements for on the same lot provided the total number of residential visitor and commercial parking spaces provided is the greater of the requirement for residential visitor parking or the requirement for commercial parking;

- J. A minimum of 1 loading space shall be provided with a minimum dimension of 13.0 metres by 4.0 metres with an unencumbered vertical dimension of 6.1 metres; and
 - K. Notwithstanding Section 4.B. of By-law No. 1055-2004, a minimum of 115 bicycle parking spaces shall be provided.
5. Notwithstanding Sections 330-23, 330-26, 330-32 and 330-40, 41 and 42, the following development standards shall be applicable to the lands zoned Residential Multiple (RM-1) on Schedule "A":
- A. Permitted accessory uses include garbage storage buildings and private amenity areas;
 - B. No portion of any above grade structure erected on the lands or used on the land shall extend beyond the building envelope delineated by the heavy lines on Schedule "B" except for the following:
 - i. access stairs and railings to underground parking, underground vents, terraces, uncovered steps to grade and patios, balconies, covered and uncovered porches having a maximum projection of 2.8 metres from the exterior wall of a Building Envelope towards any street line or internal driveway, provided the projection is set back a minimum of 0.2 metres from any street line or internal driveway;
 - ii. access stairs and railings to underground parking, underground vents, terraces, uncovered steps to grade and patios, balconies, covered and uncovered porches having a maximum projection of 3.8 metres from the exterior wall of a Building Envelope towards another Building Envelope;
 - iii. underground garage ramps and structures, transformers, vents; garbage chutes and storage buildings, mail kiosks, and meter boxes; and
 - iv. eaves, bay windows, window boxes or other projections extending a maximum of 0.8 metres from any exterior wall of a building provided they are located a minimum of 1.0 metre from any street line or internal driveway.
 - C. The West Façade(s) as identified on Schedule "B" shall be subject to the following requirements:
 - i. Notwithstanding Section 5.B. of this By-law, openings are prohibited on the West Façade except for windows, doors, vents and/or other openings to bathrooms, enclosed corridors, enclosed hallways or stairways, closets, laundry rooms, storage room, mechanical equipment areas and/or a garage;

- ii. Notwithstanding Section 5.B above, and subject to section 5.I below, projections for Outdoor Amenity Space are prohibited from forming part of or extending beyond the West Façade; and
 - iii. Projections otherwise permitted for Outdoor Amenity Space shall not be accessed from an opening that forms part of the West Façade.
- D. The maximum permitted building height shall be as indicated on Schedule "B";
- E. No habitable building or structure above grade shall encroach within the 30m setback from the north property line as shown on Schedule "B";
- F. A minimum of 35% of the lands zoned RM-1 on Schedule "A" shall be landscaped open space;
- G. A minimum of 3.5 square metres of Outdoor Amenity Space per dwelling unit shall be provided in a location adjoining or directly accessible from each dwelling unit;
- H. Outdoor Amenity Space shall be prohibited on the rooftop of Building Envelope 11 as identified on Schedule "B";
- I. Outdoor Amenity Space shall be prohibited on the rooftop of Building Envelope 10 as identified on Schedule "B", unless a continuous minimum 1.5 metre high acoustic barrier with no gaps vertically or horizontally is provided along the entire west side of the building;
- J. Notwithstanding Section 330-9B of the Zoning Code parking spaces for residential uses shall be provided in accordance with the following minimum ratios:
 - i. Bachelor apartment dwelling Units at 0.70 parking spaces per dwelling unit;
 - ii. One-bedroom apartment dwelling units at 0.8 parking spaces per dwelling unit;
 - iii. Two-bedroom apartment dwelling units at 0.9 parking spaces per dwelling unit;
 - iv. Apartment dwelling units with three or more bedrooms at a rate of 1.10 parking spaces per dwelling unit;
 - v. Standard Townhouse Dwelling Units at 1.0 parking spaces per dwelling unit; and
 - vi. Residential visitor parking at 0.15 parking spaces parking per dwelling unit.
- K. All required residential parking spaces shall be provided below grade or within a Building Envelope, with the exception of visitor parking spaces of which a maximum of 10 parking spaces may be provided above grade;

- L. A minimum of 60 bicycle parking spaces shall be provided; and
 - M. A minimum of 1 loading space shall be provided with a minimum dimension of 13.0 metres by 4.0 metres with an unencumbered vertical dimension of 6.1 metres.
6. Where the provisions of this By-law conflict with the provisions of the former City of Etobicoke Zoning Code or Zoning By-law No. 1055-2004, the provisions of this By-law shall apply.
 7. Notwithstanding any severance, partition or division of the lands shown on Schedule "A", the regulations of this By-law shall continue to apply to the whole of the said lands as if no severance, partition or division had occurred.
 8. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the lot contemplated herein is permitted in return for the owner's election to provide, at the owner's expense, the facilities, services and matters set out in Schedule "C" attached hereto which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form satisfactory to the City Solicitor and registered on title to the Lands.
 9. Where Schedule "C" of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
 10. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule "C" are satisfied.
 11. Within the lands shown on Schedule "A", 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, except in the case of a conditional foundation permit issued at the discretion of the Chief Building Official; and
 - B. all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational;

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
XXXX-2013 _____, 2013	Lands located on the north side of Lake Shore Boulevard West at its intersection of Long Branch Avenue known municipally as 3560, 3580, and 3600 Lake Shore Boulevard West.	To rezone the lands from Class 1 Industrial (I.C1) and Commercial (C1) to Residential Multiple 1 (RM-1), and Commercial Avenues (C1-AV) and Parks (G) to permit townhouses, apartment dwelling units and a public park subject to site-specific development standards.

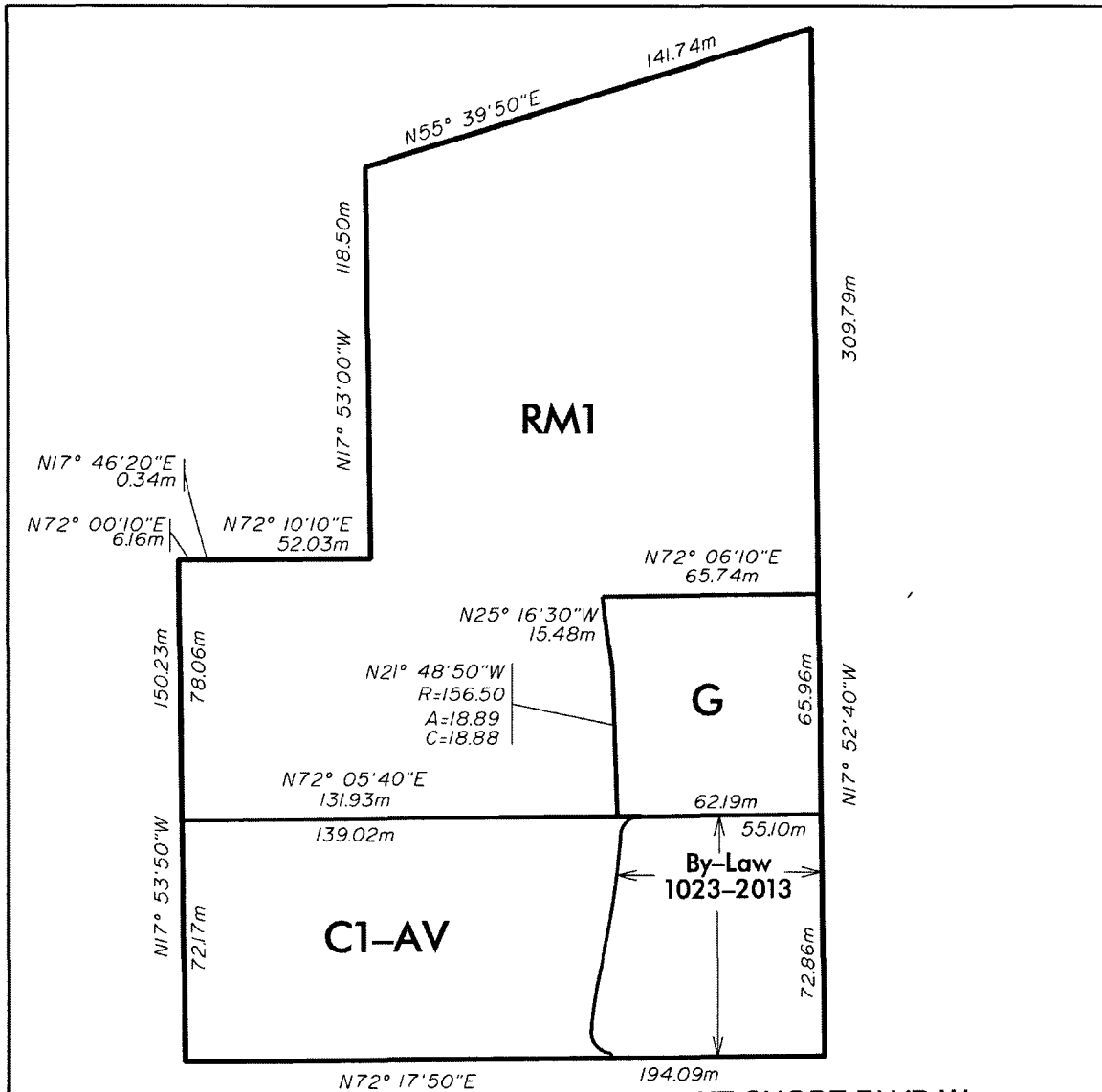
Enacted and passed on (clerk to insert the date), 2013.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

TORONTO Schedule 'A' BY-LAW



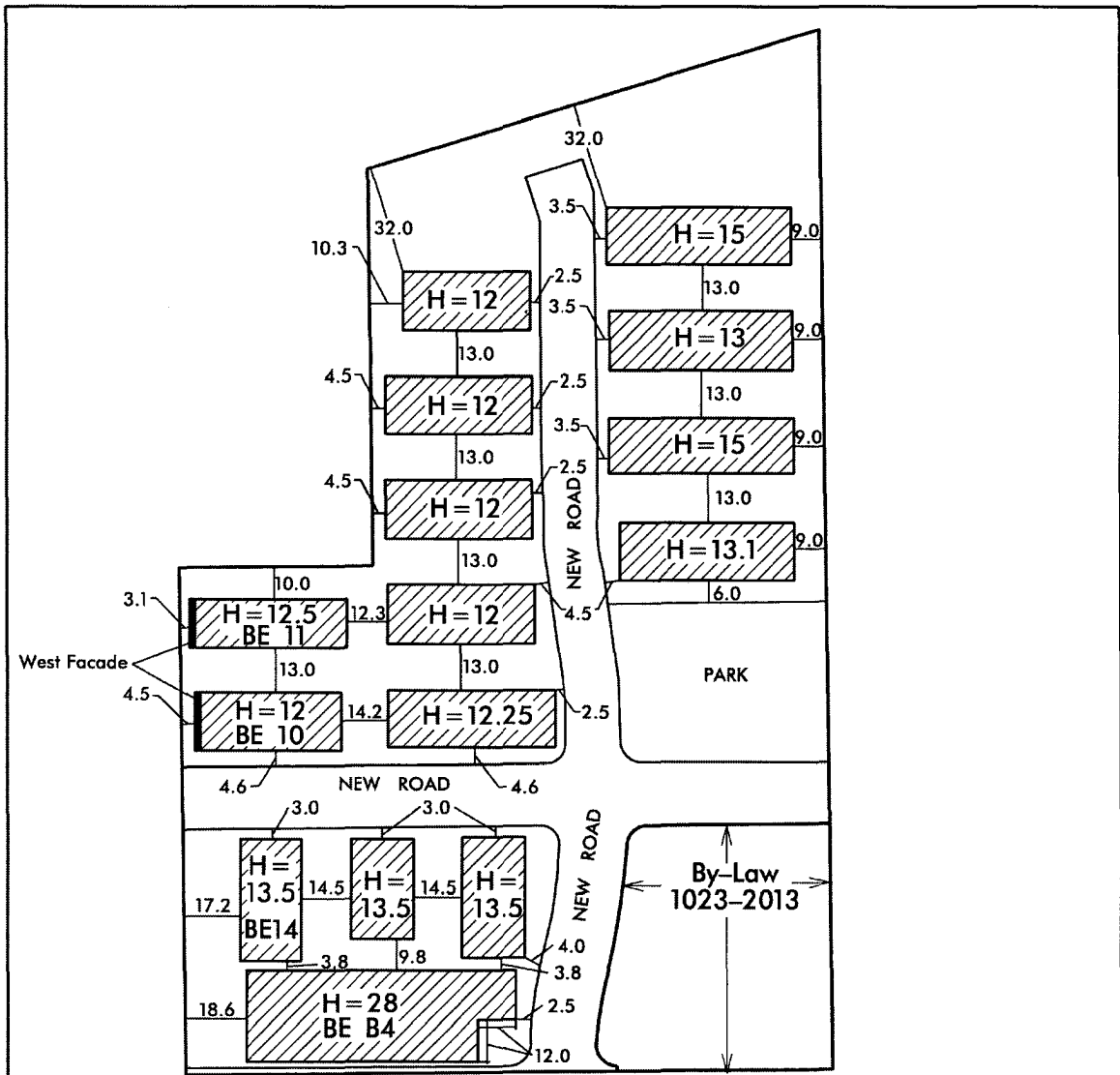
NOTE:
 BEARINGS AND DIMENSIONS TAKEN FROM A PLAN OF SURVEY
 KRCMAR SURVEYORS LTD. 2013

LAKE SHORE BLVD W

**PART OF LOT 9, CONCESSION 1, SOUTHERN DIVISION
 CITY OF TORONTO**

Applicant's Name:	DIAMONDCORP		
Assessment Map LB	3560, 3580 & 3600 Lake Shore Blvd W	scale:	0 40 80 20 60 m
File No. 10 193543 WET 06 0Z	Dwg No. 10_193543_dz1A		

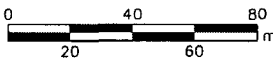

Toronto Schedule 'B' BY-LAW



BE=BUILDING ENVELOPE
 ALL HEIGHTS ARE IN METRES.
 ALL DIMENSIONS ARE IN METRES.

LAKE SHORE BLVD W

**PART OF LOT 9, CONCESSION 1, SOUTHERN DIVISION
 CITY OF TORONTO**

Applicant's Name:		DIAMONDCORP	
Assessment Map LB	3560, 3580 & 3600 Lake Shore Blvd W	scale: 	
File No. 10 193543 WET 06 OZ	Dwg No. 10_193543_dz2A		

SCHEDULE "C"

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* whereby, in accordance with and subject to the terms of the agreement, the owner agrees as follows:

- (1) the owner shall provide the following to support the development of the lot;
 - A The Owner shall file applications for Site Plan Control Approval that clearly articulates the following at-receptor mitigation measures identified in the Environmental Noise Update, prepared by Valcoustics Canada Limited, dated May 27, 2013:
 - i. No rooftop amenity spaces on Blocks 11 and the midrise building (Block B4);
 - ii. All rooftop amenity spaces on Blocks 10 and 14 shall be protected with a 1.5m tall acoustic barrier; and
 - iii. No sensitive receptors (plane of a bedroom, living/dining room or kitchen window, balconies or terraces) located on the west facing facades of Block 10 or 11.
 - B. The Owner shall include a noise and odour warning clause indicating the proximity of the subject lands, which have be classified as a Class 4 Area pursuant to Ministry of the Environment NPC-300 Guidelines, to the Wakefield Canada Inc. manufacturing and warehouse facility located at 3660 Lake Shore Boulevard West, as well as industrial operations north of the rail corridor, into:
 - i. any agreement of purchase and sale of the site;
 - ii. any disclosure statement in respect to any sale of condominium units proposed to be developed on the site; and
 - iii. any declaration in respect of any condominium corporation to be created for any portion of the site.
 - C. The Owner shall construct and maintain the development in accordance with 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 the adoption of item PG32.3 of the Planning and Growth Committee.