

Date: January 22, 2012
To: Members of the Etobicoke York Community Council
From: Councillor Mark Grimes
Subject: **EXEMPTION FROM SITE PLAN APPROVAL
TEMPORARY SALES CENTRE
2 MARINE PARADE DRIVE & 2183 LAKE SHORE BOULEVARD WEST
HUMBER BAY PARK EAST
EMPIRE COMMUNITIES (2183 LAKESHORE BLVD.) LTD.**

RECOMMENDATION:

That City Council:

1. amend Article V (Site Plan Control) of Chapter 415 of the Toronto Municipal Code to exempt, from the requirement of site plan approval, a temporary sales pavilion proposed to be located in Humber Bay Park East adjacent to a proposed condominium building at 2183 Lake Shore Boulevard West, provided that said temporary sales pavilion is no greater than 675 square metres in gross floor area and is for a proposed condominium on the adjacent lands at 2183 Lake Shore Boulevard West owned by Empire Communities (2183 Lakeshore Blvd.) Ltd. ("Empire"); and
2. authorize and direct appropriate Staff to take the necessary action to give effect to the above.

BACKGROUND/SUMMARY:

1. On May 17-19, 2011, City Council adopted a Motion (MM8.11) to enter into a Lease Agreement with Empire Communities (Empire) for the purpose of allowing a temporary sales centre on lands in Humber Bay Park East for Empire's proposed condominium on adjacent lands at 2183 Lake Shore Boulevard.
2. Subsequently, in the Fall 2011, following consultations with staff from City Planning, the Toronto and Region Conservation Authority (TRCA), Buildings and Parks and Councillor Grimes, Empire applied to the City's Committee of Adjustment to obtain a Minor Variance to permit a temporary sales office on Humber Bay Park East lands for the purpose of marketing and sales related to a proposed condominium building to be constructed on an adjacent property (2183 Lake Shore Boulevard West).
3. The Committee of Adjustment approved the Minor Variance, allowing the temporary sales office in Humber Bay Park East for a period of not more than 5 years at its hearing on December 8, 2011. The decision is final and binding. The approximate size and location of the temporary sales centre on the future Humber Bay Park lands was shown throughout that process. No substantive planning issues were raised with the Minor Variance approval.
4. The TRCA currently own the subject lands in Humber Bay Park East but the lands are managed on its behalf by the City of Toronto pursuant to a Management Agreement dated October 11,

1972. TRCA has confirmed during previous consultations that the site is not within TRCA's planning area of interest, and that there are no natural hazards or natural heritage system involved. The lands are presently vacant and not yet developed as a public park.

5. Following its temporary use as a sales centre, Empire has indicated its commitment to the City through its planning approvals for its proposed condominium to design and build a new public park on the property working cooperatively with the City.
6. Empire initiated discussions in the Spring of 2012 with respect to a Park Lease Agreement with the City and TRCA.
7. During the Building Permit review process in the Fall 2012, among other matters, a requirement for Site Plan Approval was identified. By-law No. 774-2012 was enacted by City Council on June 8, 2012 and had the effect of amending Chapter 415 of the City's Municipal Code by adding new provisions for Site Plan Control (the "SPA By-law"). The SPA By-law exempts certain new buildings from SPA approval including:
 - A building used as a temporary sales pavilion, model home or construction office associated with a building that will be constructed on the same property;
 - A building used as a temporary sales pavilion, model home or construction office associated with a building that will not be constructed on the same property, if the building used as a temporary sales pavilion, model home or construction office is less than 500 square metres in gross floor area.
8. The SPA By-law also states that terms used in Article V of Chapter 415 have the same meaning as corresponding terms used in the applicable zoning by-law in effect for the property. As noted, the zoning by-law, as varied in December 2011, for the subject property in Humber Bay Park East, allows for the property's use as a temporary sales centre specifically for Empire's proposed condominium development on its adjacent lands at 2183 Lake Shore Boulevard.
9. A Building Permit for Empire's temporary sales centre is ready for issuance pending approval or clarification of the SPA. A conditional permit will be granted to allow Empire to begin construction with an opening scheduled in March 2013 and such that the City Park Lease payments and other lease obligations can start.
10. It is clear that if the temporary sales centre was on the same property (lot) as Empire's proposed condominium and/or it was less than 500m² in size, no SPA would be required.
11. Empire's temporary sales centre is, however, clearly permitted through the zoning by-law in effect for the property (Humber Bay Park East) and effectively secured and tied to the proposed condominium development on Empire's lands through a satisfactory Park Lease between Empire, the City and TRCA for a 3 year period.
12. As the zoning is in place for Empire's temporary sales centre and a Park Lease Agreement pursuant to City Council's adopted Motion in May 2011 and a Building Permit for construction of the proposed sales centre is needed, it has become urgently apparent that City Council

clarification and authorization is needed to clarify this unusual circumstance and to meet Empire's construction timing.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Grimes', written in a cursive style.

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