



**STAFF REPORT  
ACTION REQUIRED**

**2151-2155 Lake Shore Boulevard West - Revisions to  
Recommendations - Supplementary Report**

<b>Date:</b>	June 17, 2013
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 6 – Etobicoke lakeshore
<b>Reference Number:</b>	12 142328 WET 06 OZ

**SUMMARY**

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This report provides revised recommendations to the May 30, 2013 report of the Director, Community Planning, Etobicoke York District entitled *2151-2155 Lake Shore Boulevard West - Official Plan Amendment Application and Zoning By-law Amendment Application - Lifting the Holding (H) Symbol – Final Report (Item EY25.8)*. This May 30, 2013 Final Report reviews and provides recommendations for an Official Plan Amendment and Rezoning application that proposes a three-storey non-residential building fronting Lake Shore Boulevard West, a 49-storey residential tower on the central block of the development site and a 14-storey residential building abutting Marine Parade Drive with a total of 622 dwelling units.

**RECOMMENDATIONS**

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**The City Planning Division recommends:**

1. Recommendations 4 and 5 of the Final Report from the Director, Community Planning, Etobicoke York District, dated May 30, 2013, be deleted and replaced with the following:
  4. Before introducing the necessary Bills for enactment, City Council require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor, such agreement to be registered on title to secure the following facilities, services and matters from the owner at its expense:

- A. A contribution of \$350,000 for the construction of the Village Court, a publicly accessible private open space adjacent to 68 Marine Parade Drive which represents the value of the upgrades to Village Court above the previously secured contributions. This contribution is to be secured through a Letter of Credit in the same amount to the satisfaction of the City Solicitor.
  - B. A contribution of \$650,000 for the design, construction and maintenance of the publicly accessible private open space on the subject lands. This contribution is to be secured through a Letter of Credit in the same amount to the satisfaction of the City Solicitor.
  - C. The cash amounts identified 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 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.
  - D. The following is also recommended to be secured in the Section 37 Agreement, as a legal convenience to support development:
    - i. The owner shall construct and maintain the development 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.
5. The Core Infrastructure Agreement be finalized and registered on title to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning, in consultation with the Director, Engineering and Construction Services and the Director, Transportation Services, prior to the lifting of the Holding Symbol.
  6. The owner, together with the Land Owner's group within the Humber Bay Shores Development Area, to submit cost estimates for the construction of municipal infrastructure, off-site road improvements, and required service upgrade(s) to service the Humber Bay Shores developments to the City for review, and submit financial securities based on the accepted cost estimates to the satisfaction of the Director, Engineering and Construction Services and the Director, Transportation Services prior to the lifting of the Holding Symbol.
  7. The owner to amend the Precinct Plan's 2009 Traffic Impact Study to the satisfaction of the Chief Planner and Executive Director, City Planning

and Director, Transportation Services, prior to the lifting of the Holding Symbol.

2. Attachment 8 (draft Zoning By-law Amendment) Section 16 of the Final Report from the Director, Community Planning, Etobicoke York District, dated May 30, 2013, be amended to reflect the changes to the Section 37 commitments outlined in Recommendation 1 above.

## **COMMENTS**

### **Section 37 Contributions**

The applicant has expressed concerns with the recommended Section 37 contributions outlined in the May 30, 2013 Final Report on the subject application. During a meeting with the applicant, Ward Councillor and City staff, the applicant agreed to contribute \$350,000 towards the construction of the Village Court on lands it currently owns at 68 Marine Parade Drive. The applicant has offered this contribution in the form of additional upgrades to the publically accessible Village Court and to secure this contribution through a Letter of Credit in the same amount. Planning staff concur with this proposal and Recommendation 1.4A reflects this proposal.

The applicant further advised that the recommended cash contribution of \$650,000 to be allocated towards the maintenance of the proposed on-site publicly accessible private open space was incorrect. The applicant advised that the cost of constructing the full build out of this private open space is \$500,000 and offered to construct this space and secure it through a Letter of Credit in the same amount. The applicant is of the opinion the on-going maintenance of this open space is more appropriately a matter for the future condominium board to assume through the condominium approval process.

Planning staff are of the opinion an appropriate contribution for the design, construction and maintenance of this publicly accessible private open space should be \$650,000, secured through a Letter of Credit in the same amount. This is reflected in Recommendation 1.4B above.

These proposed revisions to the Section 37 contribution must also be reflected in the draft Zoning By-law Amendment presented in Attachment 8 to the Final Report of the Director, Community Planning, Etobicoke York District dated May 30, 2013. This is reflected in Recommendation 2 above.

### **Bills to City Council**

The applicant has requested that Recommendation 5 in the Final Report of the Director, Community Planning Etobicoke District dated May 30, 2013 be deleted in its entirety as this would require the completion of the Core Infrastructure Agreement and amended Traffic Impact Study prior to the enactment of the Official Plan and Zoning By-law

Amendment Bills. The applicant is of the opinion this would be consistent with previous applications in the Humber Bay Shores area in so far as these matters can be addressed as conditions for the removal of the Holding "H" symbol from the Zoning By-law.

Planning staff concur with this opinion. Accordingly, Recommendation 1.5, 1.6 and 1.7 above address this matter. These conditions will remain in the draft Zoning By-law Amendment presented in Attachment 8 to the Final Report of the Director, Community Planning, Etobicoke York District dated May 30, 2013.

## **CONTACT**

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## **SIGNATURE**

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Etobicoke York District