

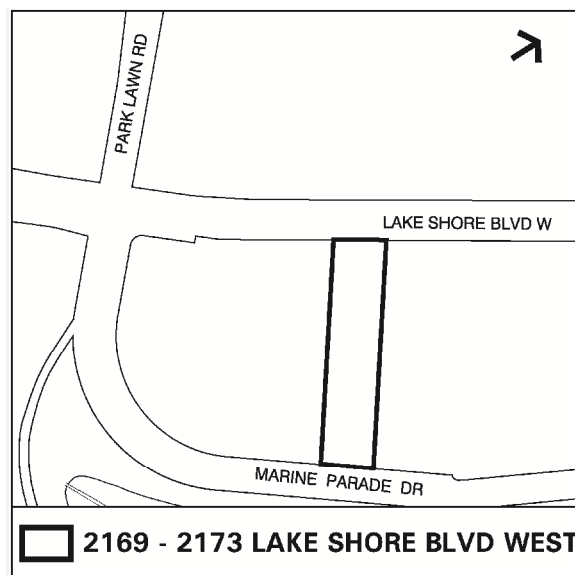
**2169-2173 Lake Shore Boulevard West – Official Plan  
Amendment and Zoning By-law Amendment Application  
– Supplementary Report**

<b>Date:</b>	June 13, 2014
<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 142290 WET 06 OZ

**SUMMARY**

The subject application proposes to amend the Official Plan and Site Specific Zoning By-law 1994-197 for the lands at 2169-2173 Lake Shore Boulevard West to permit a 2-storey commercial building fronting Lake Shore Boulevard West, a 6-storey residential building on the central block of the development site, and a 41-storey residential tower with ground-floor retail uses fronting Marine Parade Drive. A total of 540 units are proposed with 568 parking spaces in three levels of underground parking.

This report recommends a quantum for the Section 37 contribution and directs that the Section 37 funds be allocated to local park improvements, including but not limited to the future public park at 2175 Lake Shore Boulevard West.



**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. Recommendation 4.A. of the June 2, 2014 Final Report from the Director, Community Planning,

Etobicoke York District regarding the Official Plan and Zoning By-law Amendment Application for 2169-2173 Lake Shore Boulevard West be deleted and replaced with the following:

4. Before introducing the necessary Bills to City Council for enactment, the owner be required 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 cash contribution of \$500,000 to be paid to the City prior to the issuance of the first above-grade permit, towards parks and local improvements in the Humber Bay Shores area, as determined by the Ward Councillor and the Chief Planner and Executive Director, City Planning, including but not limited to the design and construction of the future public park on the adjacent property at 2175 Lake Shore Boulevard West.
2. That the draft Zoning By-law Amendment attached as Attachment 10 to the June 2, 2014 Final Report from the Director, Community Planning, Etobicoke York District regarding the Official Plan and Zoning By-law Amendment Application for 2169-2173 Lake Shore Boulevard West be deleted and replaced with the draft Zoning By-law Amendment attached as Attachment 1 to this report.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **ISSUE BACKGROUND**

The June 2, 2014 Final Report for the Official Plan and Zoning By-law Amendment Application for 2169-2173 Lake Shore Boulevard West contained recommendations on the Section 37 contribution and the allocation of Section 37 funds. At the time of finalizing the report, staff were still negotiating a quantum of the cash contribution. As such, the Final Report was prepared without the inclusion of the amount of the Section 37 cash contribution and it was anticipated this amount would be negotiated prior to City Council's consideration of the application.

However, staff can now advise that in consultation with the Ward Councillor, the negotiation has resulted in the owner agreeing to a Section 37 contribution in the amount of \$500,000. This cash contribution will be allocated to parks and local improvements in the Humber Bay Shores area, including but not limited to the design and construction of the future public park on the adjacent property at 2175 Lake Shore Boulevard West, once the proposed wind mitigation measures are determined.

As such, staff recommend that Recommendation 4.A. from the June 2, 2014 Final Report be deleted and replaced with the following:

- A. A cash contribution of \$500,000 to be paid to the City prior to the issuance of the first above-grade permit, towards parks and local improvements in the Humber Bay Shores area, as determined by the Ward Councillor and the Chief Planner and Executive Director, City Planning, including but not limited to the design and construction of the future public park on the adjacent property at 2175 Lake Shore Boulevard West:

Recent refinements to the development proposal to extend the frontage of the commercial building, "Building C", along the property line in accordance with the Humber Bay Shores Urban Design Guidelines has resulted in minor adjustments to the project statistics such as total gross floor area, commercial floor area, floor space index and commercial parking. These have been addressed in the draft Zoning By-law Amendment attached to this report. Therefore, staff are also recommending the draft Zoning By-law Amendment attached as Attachment 10 to the June 2, 2014, Final Report be deleted and replaced with the draft Zoning By-law Amendment in Attachment 1 to this report reflecting the \$500,000 Section 37 contribution and other minor technical changes.

## **CONTACT**

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## **SIGNATURE**

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Neil Cresswell, MCIP RPP  
Director, Community Planning  
Etobicoke York District

## **ATTACHMENTS**

Attachment 1: Draft Zoning By-law Amendment

## **Attachment 1: Draft Zoning By-law Amendment**

Authority: Etobicoke York Community Council Item XXXX, adopted as amended,  
by City of Toronto Council on XXXXXXXX, 2014  
Enacted by Council: XXXXXX, 2014

### **CITY OF TORONTO**

#### **BY-LAW No. XXXX-2014**

##### **To amend Zoning By-law No. 1994-197, as amended, with respect to the lands municipally known as 2169-2173 Lake Shore Boulevard West.**

WHEREAS authority is given to Council by Section 34 and 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Section 5.1.1 of the City of Toronto Official Plan contains provisions relating to the authorization of increases in height and density of development; and

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*; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as set out in the By-law; and

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

WHEREAS the owners of the lands referred to herein have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in height and density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by the By-law, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto;

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

Notwithstanding By-law 1994-197, as amended pursuant to an Ontario Municipal Board Order dated July 18, 1996, the following development standards apply to the lands zoned "MU" and "CL" attached hereto:

1. Definitions

The provisions of Section 304-3 Definitions of the Zoning Code, as amended, shall apply unless inconsistent with the provisions of this By-law or otherwise expressly defined herein. For the purposes of this By-law the following definitions will apply:

"Building Envelope" — means the building area permitted within the setbacks established in this By-law.

"Grade" — as defined by By-law No. 1994-197, as amended, pursuant to an Ontario Municipal Board Order dated July 18, 1996, Section 11(h), shall be the geodetic elevation of 83.85 metres above sea level at Lake Shore Boulevard West.

"Height" — means, with respect to a building erected on the Lands, the vertical distance between the "Grade" of the Lands as defined in this By-law and the highest point of the roof surface of the building, but excludes mechanical equipment, mechanical penthouses, elevator rooms, parapets, and architectural elements, which is permitted at a maximum height of 7 metres above the maximum permitted height.

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

"Lands" — shall mean the lands outlined by heavy lines on the attached Schedule 'A-2' attached hereto.

"Lot" — means the Lands as identified by a heavy black line on Schedule "A".

"Minor Projections" — means the minor structure or building elements which may project from a structure or building or part thereof into required yards but not beyond the property line, including roof eaves, window sills, railings, cornices, guard rails, canopies, balconies, exterior stairs and covered ramps, parapets to a maximum projection of 2.5 metres.

2. That By-law No. 1994-197, as amended, pursuant to an Ontario Municipal Board Order dated July 18, 1996, be further amended by substituting Schedule 'C' annexed hereto, in order to permit an increase in the number of residential units on Parcels 5 and 30.
3. That By-law No. 1994-197, as amended pursuant to an Ontario Municipal Board Order dated July 18, 1996, be further amended by substituting Schedule 'D-2'

annexed hereto, in order to permit an increased maximum height on portions of Parcels 5 and 30 classified Mixed-Use (MU).

4. Notwithstanding By-law 1994-197, the provisions of Schedule "C" save and except as it applies to parcels 5 and 30 does not apply.

5. Height

Notwithstanding By-law No. 1994-197, Schedule 'D', as amended pursuant to an Ontario Municipal Board Order dated July 18, 1996:

- (a) The Height of Building "A", adjacent to Marine Parade Drive, as measured from the established grade of Lake Shore Boulevard West, shall not exceed the height of 125.5 metres shown on Schedule 'D-2'.
- (b) The Height of Building "B", located within the centre of the site, and as measured from the established grade of Lake Shore Boulevard West, shall not exceed the height of 17.4 metres as shown on Schedule 'D-2'.
- (c) The Height of Building "C", adjacent to Lake Shore Boulevard West, and as measured from the established grade of Lake Shore Boulevard West, shall not exceed the height of 10.0 metres as shown on Schedule 'D-2'.

6. Permitted Uses

In addition to the provisions of Sections 5, 6, 7, 8, 9 of By-law No. 1994-197, as amended pursuant to an Ontario Municipal Board Order dated July 18, 1996, the following uses shall also be permitted:

- (a) On Lands designated Limited Commercial (CL):
  - (i) pedestrian walkways, fencing, underground parking garages, bicycle parking spaces at and below grade.
- (b) On Lands designated Mixed Use (MU):
  - (i) An Apartment Building, live-work units, recreational amenity areas, pedestrian walkways, fencing, underground parking garages, and bicycle parking spaces at and below grade.
- (c) Ventilation shafts are prohibited to be located within the public right-of-way and pedestrian walkway locations.

## 7. Gross Floor Area

Notwithstanding Subsections 3 and 11 of By-law No. 1994-197, as amended pursuant to an Ontario Municipal Board Order dated July 18, 1996, the following provisions shall more specifically apply to Parcels 5 and 30 as described in Schedules 'B' and 'C' attached hereto:

- (a) Commercial Development Site shall mean the area of a parcel of land designated as (CL) on Schedule 'A and A-2' attached hereto. For the purposes of density calculation, the Commercial Development Site shall be deemed to include the area shown on Schedule 'C' attached hereto.
- (b) Mixed Use Development Site shall mean the area of a parcel of land designated as (MU) on Schedule 'A and A-2' attached hereto. For the purposes of density calculation, the Mixed Use Development Site shall be deemed to include the area shown on Schedule 'C' attached hereto.
- (c) The Floor Space Index ('FSI') permitted shall be 3.2, and shall be calculated on the basis of the area of the Lands of 11,246 square metres which is the combined land areas of Parcel 5 and 30 as shown on Schedule 'C' of By-law No. 1994-197, as amended.
- (d) For the purpose of calculating the gross floor area permitted on the Lands described in Schedule 'A-2', Residential Amenity Space shall be excluded from gross floor area.
- (e) For the purpose of calculating the gross floor area permitted on the Lands as outlined in Schedule 'A-2', commercial floor space at grade on the MU portion of the Lands shall be excluded from gross floor area.
- (f) The residential gross floor area of the Building 'A' and Building 'B' building erected on the MU portion of the Lands shall not exceed 34,369 square metres.
- (g) The non-residential gross floor area of the building erected on the CL portion of the Lands shall not exceed 1,616 square metres.
- (h) The combined residential and non-residential gross floor area of the building erected on the Lands shall not exceed 35,985 square metres.

## 8. Number of Units

The maximum number of dwelling units permitted on the Lands shall be 540.

## 9. Parking and Loading Requirements

Notwithstanding By-law No. 1994-197, as amended pursuant to an Ontario Municipal Board Order dated July 18, 1996, and Notwithstanding Sections 320-18, 320-19, and 320-23 of the Zoning Code, or any other provision of the Zoning Code relating to parking or loading which may be inconsistent with the following provisions, the following requirements shall apply to the Lands:

- (a) A minimum of 0.9 parking spaces per residential unit shall be provided.
- (b) A minimum of 0.085 spaces per unit residential unit shall be provided for the use of visitors.
- (c) 1 parking space per 48 square-meters of commercial space shall be provided.
- (d) Residential parking and commercial office parking may be shared.
- (e) Loading:
  - Building "A": one space measuring 13.0m in length, 4.0m in width and a vertical clearance of 6.1m;
  - Building "C": one space measuring 11.0m in length, 3.5m in width and a vertical clearance of 4.0m; and

## 10. Bicycle Parking

A minimum of 421 Bicycle parking spaces shall be provided as follows:

Residential:	324 spaces
Visitor:	81 spaces
Commercial:	
Occupant:	4 spaces
Visitor:	12 spaces

## 11. Amenity Area

Recreational amenity space shall be provided as follows:

- Building "A": A minimum of 954m<sup>2</sup> of indoor recreational amenity space  
A minimum of 954m<sup>2</sup> of outdoor recreational amenity space
- Building "B": A minimum of 126m<sup>2</sup> of indoor recreational amenity space  
A minimum of 126m<sup>2</sup> of outdoor recreational amenity space

## 12. Setbacks/Underground Garage

- (a) Notwithstanding the provisions of the Zoning Code, and Subsection 11 (k) of By-law No. 1994-197, as amended pursuant to an Ontario Municipal Board Order dated July 18, 1996, the setbacks for buildings shall be provided as follows:



**Building "A"** – Point Tower adjacent to Marine Parade Drive

- (i) 3.5 metres from Marine Parade.
- (ii) 5.0 metres from the future road allowance Street "C".

**Building "B"** - 6-Storey Building adjacent to Street "C"

- (i) 3 metres from the future road allowance Street "C".

**Building "C"** - Commercial Building adjacent to Lake Shore Boulevard West

- (i) 2.5 metres from the future road widening along Lake Shore Boulevard West at the ground floor level.
  - (ii) 2.5 metres from the future road widening along Lake Shore Boulevard West for all floors above the ground floor level.
- (b) Minor Projections shall be permitted subject to Section 1-Definitions of this By-law.
  - (c) The underground garage is permitted to extend the full extent of Parcel 5 and 30 as identified on Schedule 'B', including below public and private right-of-ways.

13. Where the provisions of this By-law conflict with the provisions of the By-law 1997-194, the provisions of this By-law shall apply.

14. Section 37

A Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law on the lands shown as R6 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, 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 or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements. The owner

of the Site, at the owner's expense and in accordance with, and subject to the agreements 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 the owner may not erect or use such building until the owner has satisfied the said requirements. The owner of the Site, at the owner's expense and in accordance with, and subject to the agreements 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 under this By-law:

- a) A cash payment of \$500,000.00 for the purposes of the public benefit toward parks and local improvements in the Humber Bay Shores area, including but not limited to the design and construction of the future public park on the adjacent property at 2175 Lake Shore Boulevard West must be collected prior to the release of the first above grade building permit to the satisfaction of the Chief Planner and Executive Director, City Planning, and
- b) Require that the cash contribution identified in a) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
- c) In the event the cash contributions referred to in a) above has not been used for the intended purpose within three years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive director of City Planning, in consultation with the Ward Councillor and the TRCA, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the property.

B The following is also recommended to be secured in the Section 37 Agreement, as a legal convenience to support development:

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.

14. 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.

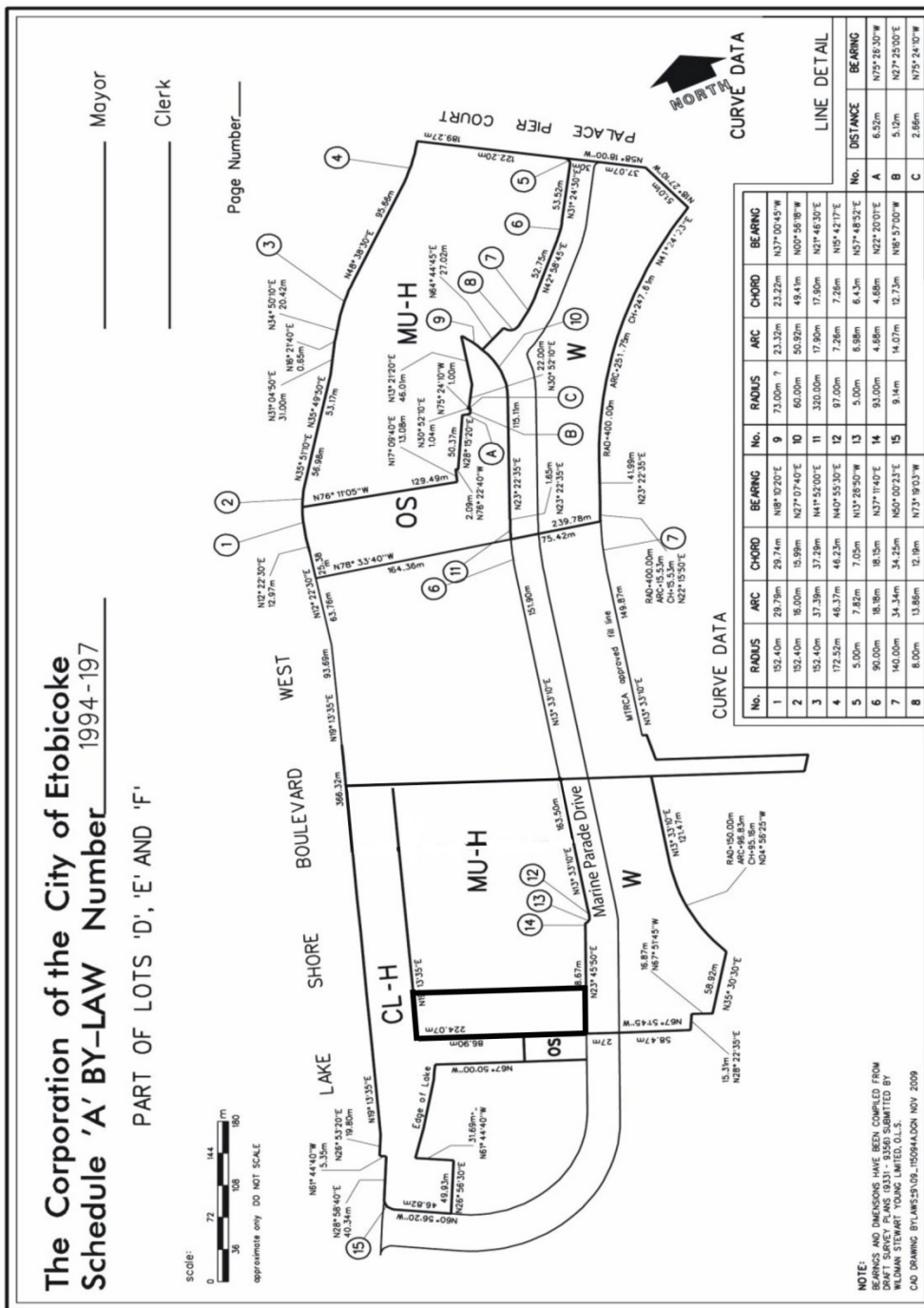
<b>BY-LAW NUMBER AND ADOPTION DATE</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>PURPOSE OF BY-LAW</b>
XXXX-2014 XXXX, 2014	Lands located on the east side of Lake Shore Boulevard West, just north of Park Lawn Road, municipally known as 2169 Lake Shore Boulevard West in the year 2014	To make modifications to increase the maximum gross floor area, number of units, building heights, and to reduce right-of-way widths to reflect the Humber Bay Shores Urban Design Guidelines

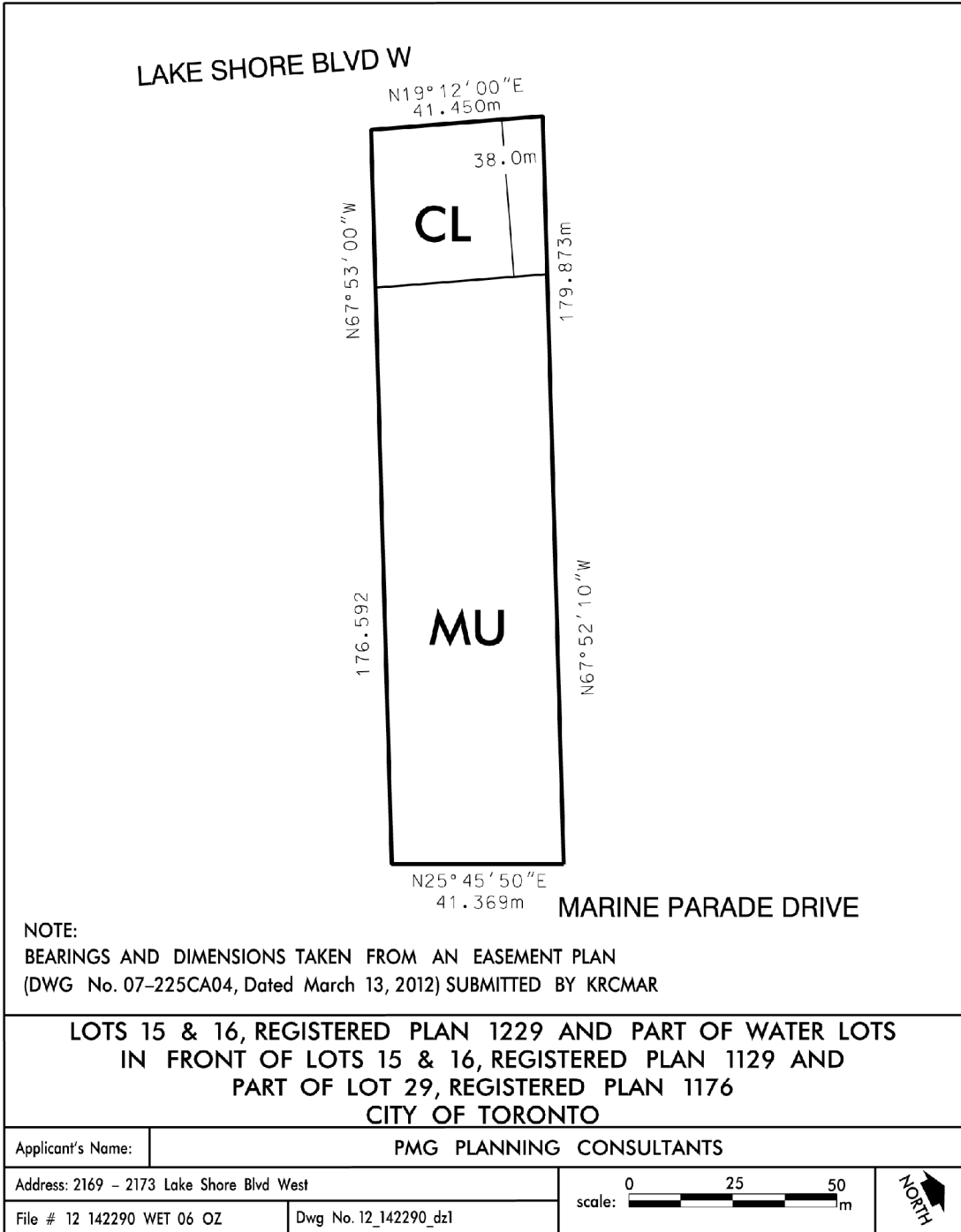
ENACTED AND PASSED this XXXXXXXX, A.D. 2014.

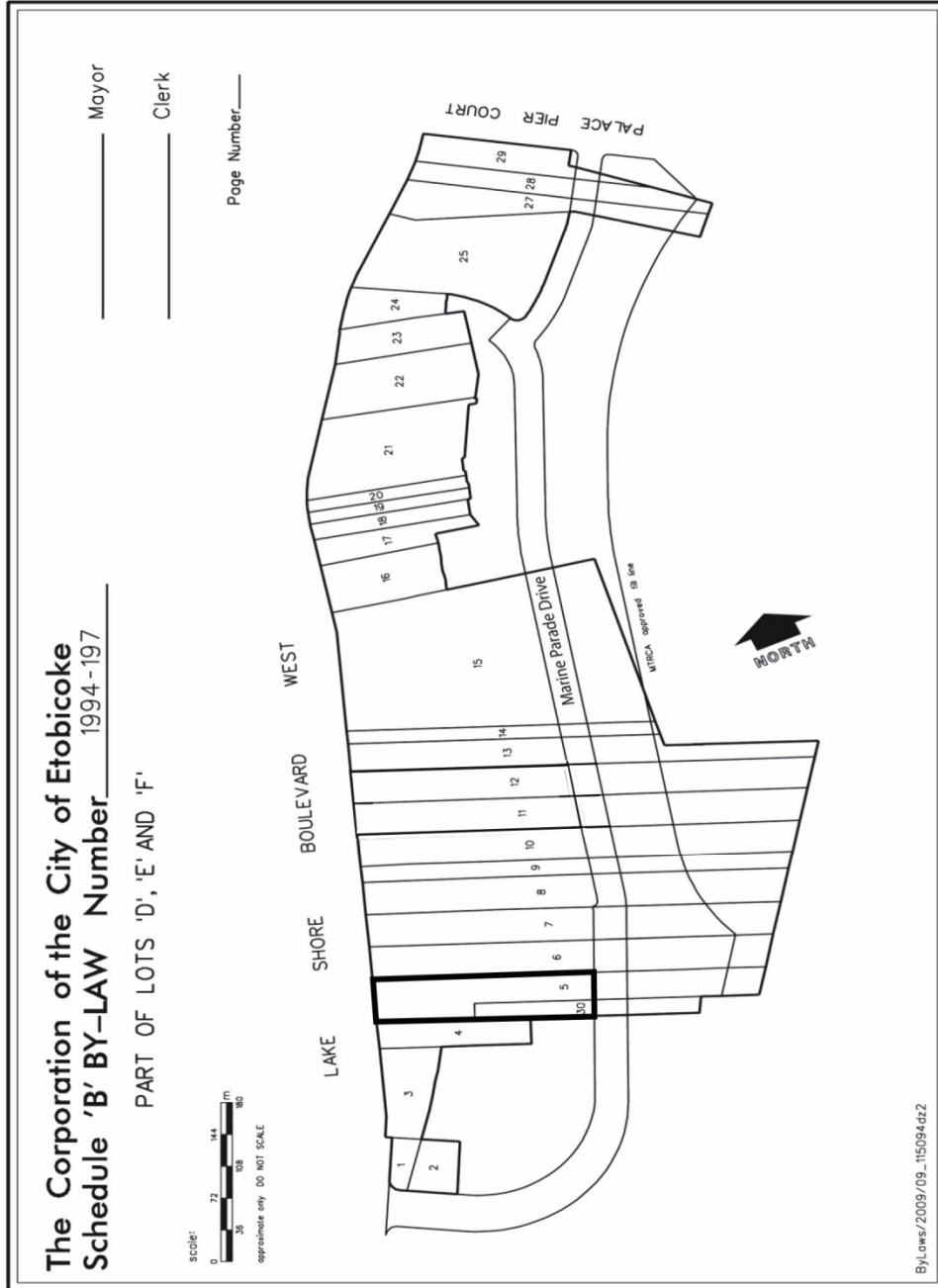
ROB FORD,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)







**SCHEDULE 'C'**

PARCEL	COMMERCIAL DEVELOPMENT SITE (m <sup>2</sup> )	MIXED-USE DEVELOPMENT SITE (m <sup>2</sup> )	NUMBER OF UNITS
1	1200	N/A	N/A
2	1600	N/A	N/A
3	5513	N/A	N/A
4	930	3,357	289
5, 30	1575	9,671	540
6	1158	7,781	127
7	1154	8,338	139
8	1158	8,732	408
9	578	4,392	71
10	1157	8,472	140
11,12	2316	17,783	785
13	984	6,411	107
14	475	2,675	43
18	N/A	1,931	31
20	N/A	1,529	25
21	N/A	11,260	186
22, 23	N/A	9,930	162
24	N/A	2,369	40
25	N/A	11,790	262 (incl. 105 Seniors Dwelling Units)
27	N/A	5,552	92
28	N/A	4,328	72
29	N/A	3,669	61
<b>TOTAL UNITS</b>			<b>3,462</b>

