

**2161-2165 Lake Shore Boulevard West – Official Plan
Amendment and Zoning By-law Amendment
Applications – Final Report**

Date:	March 25, 2015
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 6 – Etobicoke-Lakeshore
Reference Number:	13 247990 WET 06 OZ

SUMMARY

This application proposes to amend the Official Plan and Site Specific Zoning By-law 1994-197 to permit a mixed use development consisting of two residential towers of 49 and 14 storeys and a 4 storey commercial building. The development would contain a total of 660 residential units, and 3,544 m² of retail/commercial space. A total of 605 residential parking spaces and 100 visitor/commercial parking spaces would be provided in 5 levels of underground parking.

The proposed development would include the provision of future public roads – a segment of Street "C" in the centre of the site and all of Street "B" along the site's northerly edge – as well as a private lane at the rear of the commercial building. These roads and lane would connect with road and lane alignments on neighbouring sites in accordance with the Humber Bay Shores Precinct Plan and the registered Core Infrastructure Agreement.

The proposed development and its implementing site-specific amendments to the Official Plan and Zoning By-law are consistent with the 2014 Provincial Policy Statement and conform to the Provincial Growth Plan.



The proposed development is in keeping with the Humber Bay Shores Design Guidelines and implements the Humber Bay Shores Precinct Plan. It is the last site within the former Motel Strip lands to seek implementing planning approvals, and co-ordinates building edges, private landscaped courtyards and the public realm with neighbouring developments.

This report reviews and recommends approval of the application to amend the Official Plan and Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan for the lands at 2161-2165 Lake Shore Boulevard West substantially in accordance with the draft Official Plan Amendment attached as Attachment 9 to the report dated March 25, 2015 from the Director, Community Planning, Etobicoke York District.
2. City Council amend Zoning By-law 1994-197 for the lands at 2161-2165 Lake Shore Boulevard West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 10 to the report dated March 25, 2015 from the Director, Community Planning, Etobicoke York District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary Bills to City Council 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 as follows:
 - A. The following community benefits are recommended to be secured in the Section 37 Agreement:
 - i. Undertake the design and construction of the Village Court East to a maximum value of \$500,000, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor. This undertaking is to be secured by a Letter of Credit in the same amount in favour of the City, to be provided prior to the issuance of the first above grade permit for the 49 storey tower.
 - ii. A cash contribution of \$250,000 to be paid to the City prior to the issuance of the first above grade permit for the 14 storey tower, and to be used for local park improvements and/or local trail improvements,

as determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.

- iii. A cash contribution of \$250,000 to be paid to the City prior to the issuance of the first above grade permit for the 14 storey tower, and to be used for public art improvements in Humber Bay Shores Park and co-ordinating with the Humber Bay Shores Park Trail Improvements initiative, as determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, where:
 - a. “Public Art” shall include works of sculptured art, works of visual and graphic art, sculptured landscaping, fountains, and artistic treatment of publicly accessible areas including, without limitation, exterior publicly accessible areas (public sidewalks, exterior walls or other building elements), clearly visible at all times from publicly accessible areas, including but not limited to flooring, structure, lighting and street furnishings, provided such elements of work have been designed by or in collaboration with artists and selected by a process and are in accordance with a program recommended by the Toronto Public Art Commission through the Chief Planner and Executive Director, City Planning, and approved by City Council.
- B. The cash contributions 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. In the event the cash contributions referred to in A. has not been used for the intended purpose within three years of the 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, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the property.
- C. 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.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The site is located within the Humber Bay Shores Development Area (also known as the Motel Strip). The site is governed by the Motel Strip Secondary Plan and Humber Bay Shores Site Specific Zoning By-law 1994-197. Both governing documents establish land uses and development standards, and the By-law contains Holding Provisions that must be satisfied prior to the lifting of the Holding (H) symbol to allow the underlying land use and zoning to come into effect.

In July 2008, City Council adopted the Humber Bay Shores Urban Design Guidelines Update and Public Realm Plan. This document recommended new initiatives that are more in keeping with Council-endorsed policies such as the Design Criteria for the Review of Tall Building proposals. Among many directives, these Guidelines address built form relationships of taller buildings to the public realm, local streets and block patterns. This document can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.EY18.7>

In June 2009, Council directed staff to undertake a City-initiated Official Plan Amendment to incorporate the changes to the internal road system recommended in the Humber Bay Shores Urban Design Guidelines Update and Public Realm Plan. Further, a “Precinct Plan” was developed in consultation with the land owners to ensure co-ordinated road networks, streets and blocks, servicing and grading for the area. A Final Report endorsing the Precinct Plan was presented to Etobicoke York Community Council on May 25, 2010 and adopted by City Council on June 8, 2010. This report can be found at:

<http://www.toronto.ca/legdocs/mmis/2010/ey/bgrd/backgroundfile-30012.pdf>

At its meeting of November 27, 2012 City Council directed staff to undertake a Comprehensive Transportation Master Plan for the Park Lawn Road/Lake Shore Boulevard West area, given the announcement by Mondelez Canada that it would close the Mr. Christie plant in the third quarter of 2013. Public Works and Infrastructure Committee received a report from staff outlining the scope of work and budget for this initiative in September 2013. This study will review, among other things, opportunities to relieve traffic operational issues at the Park Lawn Road/Lake Shore Boulevard West intersection. This report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PW25.8>

At its meeting of January 15, 2014 Etobicoke York Community Council considered and adopted a staff report recommending the lifting the Holding (H) symbol for six properties in the Humber Bay Shores area including the subject property. The Holding (H) symbol was lifted via By-law 138-2014, enacted February 20, 2014. The lifting of the Holding (H) symbol allowed the underlying residential permissions to come into effect and development to proceed. This report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EY30.3>

At its meeting of February 25, 2014 Etobicoke York Community Council received a Preliminary Report on the proposed development and directed that a community consultation meeting be scheduled. This report can be found at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EY31.12>

ISSUE BACKGROUND

Proposal

This application seeks to amend the Motel Strip Secondary Plan and Site Specific By-law 1994-197 to permit the redevelopment of this 1.12 ha site with a mixed use development consisting of a 4 storey commercial building fronting Lake Shore Boulevard West, a 49 storey residential tower in the centre of the site, and a 14 storey residential building with retail at grade fronting Marine Parade Drive. The proposed development would be constructed in two phases: Phase 1 would include the 49 storey residential tower and the 4 storey commercial building; while Phase 2 would consist of the 14 storey residential building. Once completed, the development would contain a total of 660 residential units and 54,033 m² of gross floor area (GFA), resulting in a floor space index (FSI) of 4.8 times the lot area.

The proposal would also contribute towards the creation of three new roadways: Street "C", a new public north/south street through the centre of the site; Street "B", a new east/west public street; and Private Laneway "E", running north/south behind the commercial building. The proposed roads and laneway would connect with the roads and laneway on adjacent properties, contributing to the creation of a continuous roadway network through the Humber Bay Shores area. In addition, the redevelopment would provide a widening along Lake Shore Boulevard West to create a 36 m wide right-of-way, consistent with the right-of-way shown for this segment of Lake Shore Boulevard West on Map 3 of the Official Plan – Right-of-Way Widths Associated with Existing Major Streets.

The proposed 4 storey commercial building would front Lake Shore Boulevard West, and would have a non-residential gross floor area of 2,828 m² and a maximum height of 17 m plus a maximum 6 m mechanical penthouse. Loading and parking areas located at grade would be accessed from Private Laneway "E" at the rear of the building.

The proposed 49 storey residential "Tower A" would take its main pedestrian access, including vehicular drop-off and pick-up, adjacent to a private landscaped courtyard accessible from Private Laneway "E", while a second lobby as well as vehicular access to underground parking would be provided from Street "C". There are additional secondary pedestrian entrances proposed for grade-related units along Streets "C" and "B". The tower would have 502 residential units and a 750 m² floor plate. The building would have a total height of 166.5 m (including mechanical penthouse), would sit on a 5 storey podium and would have a total GFA of 36,926 m² (excluding required amenity space).

The 14 storey residential Tower "B" would be located at the east side of the site adjacent to Marine Parade Drive and would have a total of 158 units and a 5 storey podium base,

to a total proposed height of 54.5 m (including mechanical penthouse). Approximately 716 m² of commercial space would be located at grade in the podium, while the total GFA for Tower "B" excluding required amenity space would be 14,279 m². Access to the retail units would be from Marine Parade Drive, while pedestrian access to Tower "B" would be from Street "C". Vehicular access to this building would be from the easterly side of Street "C". A private landscaped courtyard directly accessible from Street "C" is proposed in the south-westerly quadrant of this development block.

A total of 705 parking spaces are proposed; 605 space for residents and 100 spaces for visitor and commercial use, in 5 levels of underground parking. Parking levels P1 and P2 would be continuous under the entire site from Marine Parade Drive to Lake Shore Boulevard West, including under Street "C". Parking levels P3 to P5 would extend from Lake Shore Boulevard West to approximately the middle of Street "C".

518 bicycle parking spaces are also proposed to be provided, meeting the residential, commercial and retail requirements. 334 of these spaces are proposed to be provided on parking levels P1 and P2, 56 provided within the ground floor of Tower "A", with the remainder provided at surface.

A total of 4,011 m² of indoor and outdoor amenity space is proposed within both phases of the development.

Refer to Attachment 1 for the proposed Site Plan, and Attachments 2-5 for the proposed Elevations. The Application Data Sheet in Attachment 8 provides additional information on the proposal.

Site and Surrounding Area

The site is approximately 1.12 ha in size with frontage of approximately 61 m on both Lake Shore Boulevard West and Marine Parade Drive. The site was previously developed with a motel and restaurant (Casa Mendoza Inn and Restaurant). The site is currently occupied by a sales centre for another development in the Humber Bay Shores area by the same owner. The site has some existing vegetation and slopes towards Lake Ontario.

Surrounding uses are as follows:

North: a mixed use development currently under construction with a 39 storey residential tower along Marine Parade Drive, a 10 storey residential building central to the site and a 5 storey office building along Lake Shore Boulevard West.

South: an approved mixed use development consisting of a 41 storey residential building, a 6 storey residential building and a 2 storey commercial building.

East: Marine Parade Drive, Humber Bay Park and Lake Ontario.

West: Across Lake Shore Boulevard West are the Mondelez lands, formerly the site of the Mr. Christie's Bakery.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the property as *Mixed Use Areas* on Map 15 of the Land Use Plan (see Attachment 6). *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in either single use or mixed use buildings.

Development in *Mixed Use Areas* will create a balance of high quality residential, commercial, institutional and open space uses that reduces automobile dependency and meets the needs of the local community.

Key development criteria for *Mixed Use Areas* include:

- create a balance of high quality commercial, residential, institutional and open space uses;
- provide for new jobs and homes for Toronto's growing population on underutilized lands;
- locate and mass buildings to provide transition between areas of different development intensity and scale;
- locate and mass new buildings to adequately limit shadow impacts on adjacent *Neighbourhoods*;
- locate and mass buildings to frame the edges of streets and parks, with a focus on generating comfortable conditions for pedestrians on adjacent streets, parks and open spaces through measures that provide for adequate sunlight and comfortable wind conditions;
- provide an attractive, comfortable and safe pedestrian environment;
- provide indoor and outdoor recreation space for building residents;
- provide good site access, circulation and parking; and

- take advantage of nearby transit services.

In addition, Official Plan Chapter Three, Section 3.1.2 Built Form, contains policies that provide direction on matters related to site design and layout, including organization and fit of new development into its planned context, organization of access, parking and service areas, design of new streets and the provision of amenities.

The Lake Shore Boulevard West frontage is identified as an *Avenue* on the Urban Structure Map (Map 2) of the Official Plan. *Avenues* are important corridors along major streets where re-urbanization is anticipated and encouraged to create new housing and job opportunities, while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents.

Motel Strip Secondary Plan

The site is also subject to the Motel Strip Secondary Plan (Chapter 11), as amended. Secondary Plans establish local development policies to guide growth and change in a defined area with respect to building height, number of units, total permitted GFA, road networks and public realm conditions. The minimum right-of-way width of Internal Road No. 7 (Street "C") is 23 m, and the minimum right-of-way width of Internal Road No. 2 (Street "B") is 27 m, on Map 11-2 of the Secondary Plan.

The maximum density provided for in the Motel Strip Secondary Plan (*Mixed Use Area "A"*) is 3 times the area of the lot (2.5 times the area of the lot and 165 units per hectare when combined with a residential component). The maximum residential density provided for is 2 times the lot area and 165 units per hectare. There are also density transfers that can be utilized where development sites involve original and qualifying water lots. The subject site was previously a water lot and the density transfer resulted in a maximum development permission of 6 times the area of the lot.

The proposed central (Tower "A") and east (Tower "B") blocks are designated *Mixed Use Areas "A"*, which provide for a diversity of waterfront recreational, commercial, residential, institutional, cultural, entertainment and open space uses.

The proposed commercial block fronting Lake Shore Boulevard West is designated *Mixed Use Areas "B"*. The maximum density provided for is 3 times the lot area. *Mixed Use Areas "B"* is intended to provide for a range of commercial uses as an area of transition between the existing industrial use northwest of Lake Shore Boulevard West and residential uses within *Mixed Use Areas "A"*. Uses within *Mixed Use Areas "B"* will be compatible with the industrial use through land uses and the use of building design, orientation and landscape features.

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated City-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to

ensure they fit within their context and minimize their local impacts. The City-wide Guidelines are available at:

<http://www.toronto.ca/planning/tallbuildingdesign.htm>

Policy 1 in Official Plan Section 5.3.2, Implementation Plans and Strategies for City-Building, states that Guidelines will be adopted to advance the vision, objectives and policies of the Plan. Urban Design Guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

Humber Bay Shores Urban Design Guidelines Update and Public Realm Plan

In July 2008, City Council adopted the Humber Bay Shores Urban Design Guidelines Update and Public Realm Plan. This document replaced the former Urban Design Guidelines for the Motel Strip, and recommended new initiatives that are more in keeping with the Design Criteria for the Review of Tall Buildings. Among the many directives, the new guidelines address the relationship of taller buildings to the public realm, local streets and block patterns. This document can be found at:

http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Community%20Planning/Files/pdf/H/HumberBayShores_UrbanDesignGuidelinesUpdate.pdf

Zoning

The site is within the Motel Strip Secondary Plan area, which is subject to implementing Zoning By-law 1994-197. The site is subject to two zoning categories (see Attachment 7): the majority of the site is zoned Mixed Use (MU) while the lands fronting Lake Shore Boulevard West are zoned Limited Commercial (CL). The MU zoned lands, which permit a range of residential uses, as well as a range of commercial uses, have a density permission of 3.0 FSI, with the residential GFA not to exceed 2.5 FSI. The CL zoned lands, which permit a broad range of commercial uses, have a density permission of 3.0 FSI. West of Street "C" towards Lake Shore Boulevard West, the height limitation on the site is 45 m. East of Street "C" towards Marine Parade Drive, the height limitation is 30 m.

In accordance with the transition protocol which forms part of the new City-wide Zoning By-law (By-law 569-2013, currently under appeal to the Ontario Municipal Board), lands within a Secondary Plan area, governed by an area-based zoning by-law, were not included in the new City-wide By-law.

Site Plan Control

The site and proposal are subject to site plan control. A site plan control application has not been submitted.

Tree Preservation

The proposed development would require removal and/or injury of at least 2 City-owned trees and 12 private trees, as identified by the applicant's arborist. Appropriate applications to Urban Forestry for review and approval, along with associated application fees, are required and have not been submitted. In addition, updated landscaping plans will be required in the context of the forthcoming site plan control application, including illustration of a sufficient number of proposed trees to meet the Toronto Green Standard (TGS) requirements.

Reasons for Application

Amendments to the Motel Strip Secondary Plan are required as follows:

1. An amendment to Chapter 6, Section 11 Motel Strip Secondary Plan is required to provide for the proposed density, GFA, number of residential units and additional building height.
2. An amendment to Chapter 6, Section 11, Motel Strip Secondary Plan, Map 11-1 is required to introduce Site and Area Specific Policy (SASP) 10 respecting the site.
3. An amendment to Chapter 6, Section 11, Motel Strip Secondary Plan, Map 11-2 is required to reduce the minimum right-of-way widths of Internal Public Roads 2 and 7 adjacent to the site to 18.5 m.

An amendment to the implementing Zoning By-law for the Motel Strip Secondary Plan, By-law 1994-197, is required to provide for the proposed additional building height, number of residential units and density, to address permitted uses, and to amend the vehicle and bicycle parking requirements, loading requirements, building setbacks and amenity space standards.

Community Consultation

A community consultation meeting was held respecting the proposed development on April 15, 2014. Approximately 8 members of the public attended, raising issues related to density, transportation and traffic congestion, sufficiency of parking as well as the need to ensure the site is not overparked, the state of repair of Marine Parade Drive, the proposed building's design and potential Section 37 matters.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the 2014 PPS. It will accommodate residential infill growth through intensification, supporting the policy objectives related to focusing growth in existing settlement areas. The proposal also supports efficient land use,

reduces land consumption related to residential development and makes efficient use of infrastructure.

City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. In this case, Section 2.2.2 of the Growth Plan states that population and employment growth will be accommodated by directing a significant portion of new growth to the built-up areas of the community through intensification. As this site is located in a built up area, and the proposal is intensifying the use of land for housing, the proposal conforms and does not conflict with the Growth Plan.

Land Use

The site is designated *Mixed Use Areas* in the Official Plan and the Motel Strip Secondary Plan. Staff are of the opinion the proposed development conforms to the *Mixed Use Areas* designation and its development criteria, and is supportive of the Built Form policies within the Official Plan.

The predominantly high-density residential use is appropriate. It is compatible with the existing and future planned context for the Humber Bay Shores area, as first articulated in the Motel Strip Secondary Plan and subsequently refined through design guidelines and precinct planning.

Incorporating a retail frontage at the base of Tower "B" fronting Marine Parade Drive, as well as the proposed commercial building fronting Lake Shore Boulevard West, support the objective of increasing commercial and retail amenity space for area residents, as well as providing for local employment. The Lake Shore Boulevard West commercial building also provides an adequate buffer and transition between the significant employment lands to the west, and contributes to the emerging character of the Lake Shore Boulevard West *Avenue* adjacent to Humber Bay Shores.

Density, Height and Massing

The Official Plan requires development in *Mixed Use Areas* to comply with articulated development criteria, including appropriate built form location, massing and transitions, and appropriate screening of service areas. The purpose of these policies, in addition to facilitating attractive developments, is to ensure no adverse impacts on existing neighbourhoods, parks, streetscapes and open spaces. Built Form policies in the Official Plan further elaborate on required considerations for assessing building density, height and massing, including: framing of street edges and parks in order to create comfortable sun and wind conditions; placing main building entrances so they are directly visible and accessible from the public sidewalk; providing for active ground floor uses with views and access to adjacent streets, parks and open spaces; and screening and organizing servicing and vehicular access to minimize impacts on the site and its surroundings.

The proposed 49 storey residential tower, 14 storey residential tower with retail at grade and 4 storey commercial building fit within the existing and planned context for the Humber Bay Shores neighbourhood. This is the final site within Humber Bay Shores

seeking site-specific planning approvals and the proposal reflects the envisioned deployment of buildings for these lands outlined in the Urban Design Guidelines Update, and the building heights and densities previously approved in the area.

The proposed density, 4.8 times lot area for the entirety of the site, is comprised of 660 residential units (50,489 m²) and 3,544 m² of commercial and retail space. A total of 502 residential units would be located in the central 49 storey Tower "A", a point tower with a 750 m² floorplate atop a 5 storey base building. This design is in keeping with both the Urban Design Guidelines Update and the City-wide Tall Building Design Guidelines, which envision slender tower elements to improve skyviews, expedite shadow movements, and improve views to the lake while providing for a strong street edge and public realm.

The remaining residential units would be within the 14 storey Tower "B", with frontage on both Street "B" and Marine Parade Drive. The form of Tower "B", a relatively low tower with design elements that more closely reference expectations for mid-rise buildings, is in keeping with the vision articulated through the Urban Design Guidelines Update for the area and mirrors that already permitted on neighbouring sites. A retail component within the 5 storey podium fronting Marine Parade Drive would provide further animation and completion of the Marine Parade Drive retail streetscape.

The 4 storey commercial building along Lake Shore Boulevard West would provide a similar street-animating function along its frontage, including a generous public boulevard and canopy, complementing that of neighbouring developments.

Taken together, the proposed density implements the planning framework for the area and the proposed heights and density are in keeping with what has been approved on neighbouring sites.

Design Review Panel

The preliminary site design and massing was reviewed by the City's Design Review Panel on July 3, 2014, minutes for which are available online at the following link: <http://www1.toronto.ca/City%20of%20Toronto/City%20Planning/Urban%20Design/Files/pdf/DRP/DRP%20Minutes%20July%203.pdf>.

The Panel noted the preliminary design's sensitivity to the original vision and emerging context, and directed that future refinements focus on the strategy for retail success, an emphasis on excellent design along Lake Shore Boulevard West, holistic sustainability strategies, and high quality landscaping and public realm details which are seamlessly coordinated with neighbouring sites. The applicant has worked to achieve this in the final rezoning submission, and these objectives will be further pursued through the Site Plan Approval process.

Sun, Shadow and Wind

The Official Plan *Mixed Use Area* development criteria in Section 4.5.2, as well as the Built Form policies of Sections 3.1.2 and 3.1.3, outline the requirements for tall buildings

to adequately limit shadowing and uncomfortable wind conditions on neighbouring streets, properties and open spaces. In addition, these policies require that new buildings frame adjacent streets, parks and open spaces in good proportion, including the use of weather protection such as canopies and awnings, to maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

The applicant provided a Shadow Analysis illustrating the shadow movements associated with all three proposed buildings during the spring and fall equinoxes. Development of the additional buildings would introduce some additional shadow impacts on the neighbouring properties designated *Mixed Use Areas* and *Parks*, as well as on the proposed street network.

A considerable portion of this shadowing falls within the shadows associated with existing and approved buildings to the north and northeast. The pattern of shadowing shown is consistent with shadows cast by other buildings on other Humber Bay Shores sites and on Humber Bay Shores Park. Planning staff are of the opinion that the projected shadow impacts would be acceptable and were substantially contemplated by the Humber Bay Shores Urban Design Guidelines Update and Public Realm Plan.

A Pedestrian Level Wind Study was also provided. The study concluded that all sidewalk locations would be generally suitable for pedestrian activity, although particular attention to landscaping along Street "B" is required to alleviate potential moderate wind conditions. At the 5th level terrace of Tower "A" facing Street "C", higher parapets or railings with wind screening elements are also recommended. Both of these recommended mitigation strategies will be secured through the Site Plan Approval process.

Traffic Impact, Access and Parking

In June 2009, City Council directed staff to undertake a City-initiated Official Plan Amendment to incorporate the changes to the internal road system recommended in the Humber Bay Shores Urban Design Guidelines Update and Public Realm Plan. Additionally, the implementing Precinct Plan and Core Infrastructure Agreement provide for the dedication of local roads, the widening of Lake Shore Boulevard West and the timely delivery of infrastructure to serve this community.

The Precinct Plan and Core Infrastructure Agreement are based, in part, on a Traffic Impact Study for the Humber Bay Shores Precinct, originally prepared in 2009 by AECOM and MMM Group on behalf of the Humber Bay Shores Landowners group. The study by MMM/AECOM considers the transportation implications of the proposed Precinct Plan development program. Successive updates to the Precinct Plan (accounting for specific project proposals, co-ordination with the Mondelez site and evolving servicing parameters) have necessitated updates to the traffic analysis. A final version of this analysis was provided in the fall of 2014, at the time of registration of the Core Infrastructure Agreement.

An Urban Transportation Considerations report was prepared by BA Group specifically reviewing the proposed development, in the context of the Precinct Plan development program, as well as reviewing parking, loading, vehicular access and pick-up/drop-off facilities. It concludes that the proposal falls within what was contemplated by the area-wide Traffic Impact Study, and that the proposed parking and loading arrangements are satisfactory. Transportation Services staff advise these findings are acceptable.

Transportation Planning staff, in consultation with Traffic Engineering staff and other relevant stakeholders, will commence the Council-directed Comprehensive Transportation Master Plan for the Park Lawn Road/Lake Shore Boulevard West area in the second quarter of 2015.

Streets

The Precinct Plan and Core Infrastructure Agreement require the applicant to construct and dedicate its portion of Street "C" (running north-south through the centre of the site) and the entirety of Street "B" (running east-west along the site's northern edge) to the City. The Core Infrastructure Agreement secures the timing and phasing of these required dedications, environmental review and construction of the roads. These matters will be at the owners' expense, in conjunction with other matters secured through the Core Infrastructure Agreement.

The registered Core Infrastructure Agreement for Humber Bay Shores contemplates 18.5 m rights of way for both Streets "B" and "C". This necessitates an amendment to Map 11-2 of the Motel Strip Secondary Plan, as previously noted.

The names for the new network of public streets and the private lane within Humber Bay Shores secured by the Core Infrastructure Agreement have been proposed, and will be the subject of a separate report to Etobicoke York Community Council.

Parking and Loading

A total of 705 parking spaces are proposed to be provided on this property in two full and three partial levels of underground parking, for a total of five levels. 100 of these spaces would be shared visitor/commercial parking spaces which is consistent with other developments in Humber Bay Shores, and 605 spaces are proposed to be for the exclusive use of residents. Consistent with the provisions of Site Specific Zoning By-law 1994-197, the underground parking structure extends beneath Street "C" and the Private Laneway. Transportation Services staff have accepted the proposed parking provision on site.

518 bicycle parking spaces are also proposed to be provided. The Urban Transportation Considerations report provided in support of the application indicates that 520 bicycle parking spaces are required to comply with Tier 1 of the Toronto Green Standard and the requirements of City-wide Zoning By-law 569-2013 (not in effect on these lands, but relevant in assessing current parking, bike parking and loading requirements), and this will be the requirement in the Site-Specific Zoning By-law for these lands. Transportation Planning staff will review and comment on the proposed location of

bicycle parking spaces and the types of infrastructure proposed through the Site Plan Approval process.

The applicant is proposing one Type "C", one Type "B" and one Type "G" loading space to service the development. This is in keeping with the requirements of City-wide Zoning By-law 569-2013. The final configuration of these loading spaces, as well as appropriate truck circulation supporting this configuration, will be secured through the Site Plan Approval process.

Transit

The area is currently served by surface transit routes on Park Lawn Road and Lake Shore Boulevard West. The 66D Prince Edward bus travels along Park Lawn Road between Old Mill Station on the Bloor Danforth Subway line and Humber Bay Shores. In addition, the 145 Downtown/Humber Bay Express service runs along Lake Shore Boulevard West between Kipling Avenue and downtown during the morning and afternoon peak periods.

The 501 Queen Streetcar operates along the Lake Shore Boulevard West corridor in proximity to this development. It is intended that the Humber Streetcar loop will be relocated to Park Lawn Road to improve streetcar frequency and service to the Humber Bay Shores community. The timing for the implementation of the Park Lawn Road loop is unknown at this time.

The City's Official Plan Map 4, Higher Order Transit Corridors, as well as the Toronto Transit Commission (TTC), identify Lake Shore Boulevard West adjacent to the site as a future Transit Corridor. The TTC required that the City take any necessary property along Lake Shore Boulevard West to protect for a dedicated streetcar right-of-way. A 5 m dedication along the Lake Shore Boulevard West frontage of the site will be secured through the Site Plan Approval process.

Servicing

A Functional Servicing Report was submitted with this application. Connections to the existing watermain, sanitary sewer and storm sewer along Marine Parade Drive will service the proposed commercial and residential buildings, where there is sufficient capacity to service the development. The Functional Servicing Report has been reviewed and accepted by Engineering and Construction Services staff. Additional detailed review will occur through the Site Plan Approval process.

The applicant, together with the Humber Bay Shores Landowners group, submitted a Functional Servicing Report for the area which was incorporated into the Core Infrastructure Agreement, executed by the landowners group and registered on title for all Humber Bay Shores parcels. The Core Infrastructure Agreement outlines a proportionate cost sharing arrangement between the landowners for the cost of municipal roads, road improvements, services and any upgrades required to support development within the Humber Bay Shores area. The municipal works are based on the Precinct Plan which has been accepted by Engineering and Construction Services staff.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B/C of the Official Plan illustrates the level of local parkland service across the City, calculated on the basis of hectares of local parkland per 1,000 people. The site is in the highest quintile of parkland provision, and is also in a parkland priority area, as per Alternative Parkland Dedication Rate By-law 1020-2010.

Parks, Forestry and Recreation staff advise that the site is subject to the alternative park rate levy, to a cash-in-lieu cap of 15% of the value of the development site, net of any conveyances for public road purposes. The owner proposes to satisfy the parkland dedication requirement by cash-in-lieu. Parks, Forestry and Recreation staff advise this is acceptable. The actual amount of cash-in-lieu to be paid will be determined by Facilities and Real Estate staff at the time of issuance of building permit.

A key component of the Humber Bay Shores Precinct Plan is the series of parks, Privately Owned Publicly-accessible Spaces ("POPS") and private open spaces throughout the area. The proposed development includes a private landscaped courtyard in front of Tower "A", adjacent to the private laneway, as well as a second private landscaped courtyard south of Tower "B" and directly visible from future Street "C". These landscaped spaces not only complement the proposed development, but have also been designed to coordinate with the POPS east of the Private Laneway and building edge at the northeasterly edge of the adjacent 2169-2173 Lake Shore Boulevard West site.

The location of the private landscaped courtyards for the proposed development corresponds with what is envisioned in the Humber Bay Shores Precinct Plan. The landscape treatment of these open spaces as well as their co-ordination with neighbouring sites will be secured through the Site Plan Approval process.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. This is proposed to be secured in the Section 37 Agreement as a legal convenience.

The Site Specific Zoning By-law will secure performance measures for Tier 1 development features including automobile infrastructure, cycling infrastructure and storage and collection of recycling and organic waste. Other applicable TGS performance measures will be secured through the Site Plan Approval process.

Section 37

Section 37 of the *Planning Act* authorizes a municipality, with appropriate approved Official Plan provisions, to pass by-laws increasing the height or density otherwise permitted by a Zoning By-law in return for the provision of community benefits by the applicant. Following consultations with the Ward Councillor and discussions with the applicant, staff are recommending this cash contribution be put towards the south side of the Village Court, public art improvements in the Humber Bay Shores area, and local park improvements and/or trail improvements.

It is therefore recommended that 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* as follows:

- A. The following community benefits are recommended to be secured in the Section 37 Agreement:
 - i. Undertake the design and construction of the Village Court East to a maximum value of \$500,000, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor. This undertaking is to be secured by a Letter of Credit in the same amount in favour of the City, to be provided prior to the issuance of the first above grade permit for the 49 storey tower.
 - ii. A cash contribution of \$250,000 to be paid to the City prior to the issuance of the first above grade permit for the 14 storey tower, and to be used for local park improvements and/or local trail improvements, as determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
 - iii. A cash contribution of \$250,000 to be paid to the City prior to the issuance of the first above grade permit for the 14 storey tower, and to be used for public art improvements in Humber Bay Shores Park and co-ordinating with the Humber Bay Shores Park Trail Improvements initiative, as determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, where:
 - a. “Public Art” shall include works of sculptured art, works of visual and graphic art, sculptured landscaping, fountains, and artistic treatment of publicly accessible areas including, without limitation, exterior publicly accessible areas (public sidewalks, exterior walls or other building elements), clearly visible at all times from publicly accessible areas, including but not limited to flooring, structure, lighting and street furnishings, provided such elements of work have been designed by or in collaboration with artists and selected by a process and are in accordance with a program recommended by the Toronto Public Art Commission through the

Chief Planner and Executive Director, City Planning, and approved by City Council.

- iv. The cash contributions identified in i., ii., and iii., 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. In the event the cash contribution referred to in A. has not been used for the intended purpose within three years of the 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, City Planning, in consultation with the Ward Councillor, 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:

- 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.

Conclusion

The proposed development is in keeping with the Humber Bay Shores Urban Design Guidelines Update and Public Realm Plan and appropriately implements the Humber Bay Shores Precinct Plan. It is the last segment of the former Motel Strip lands to seek implementing planning approvals, and appropriately completes the Humber Bay Shores neighbourhood, including appropriate building heights, density and massing in keeping with the existing and planned context for the area. Proposed active pedestrian retail/commercial environments along Marine Parade Drive and Lake Shore Boulevard West are positive additions to the streetscape and will provide shopping and employment options for Humber Bay Shores and the surrounding community. The proposed private landscaped courtyards are in keeping with the Precinct Plan for the area and provide connections to neighbouring public streets, the private lane and adjacent development. Staff are therefore recommending that the application to amend the Official Plan and Zoning By-law be approved by City Council.

CONTACT

Carly Bowman, MCIP, RPP, MScPl
Senior Planner
Tel. No. 416-394-8228
Fax No. 416-394-6063
E-mail: cbowman2@toronto.ca

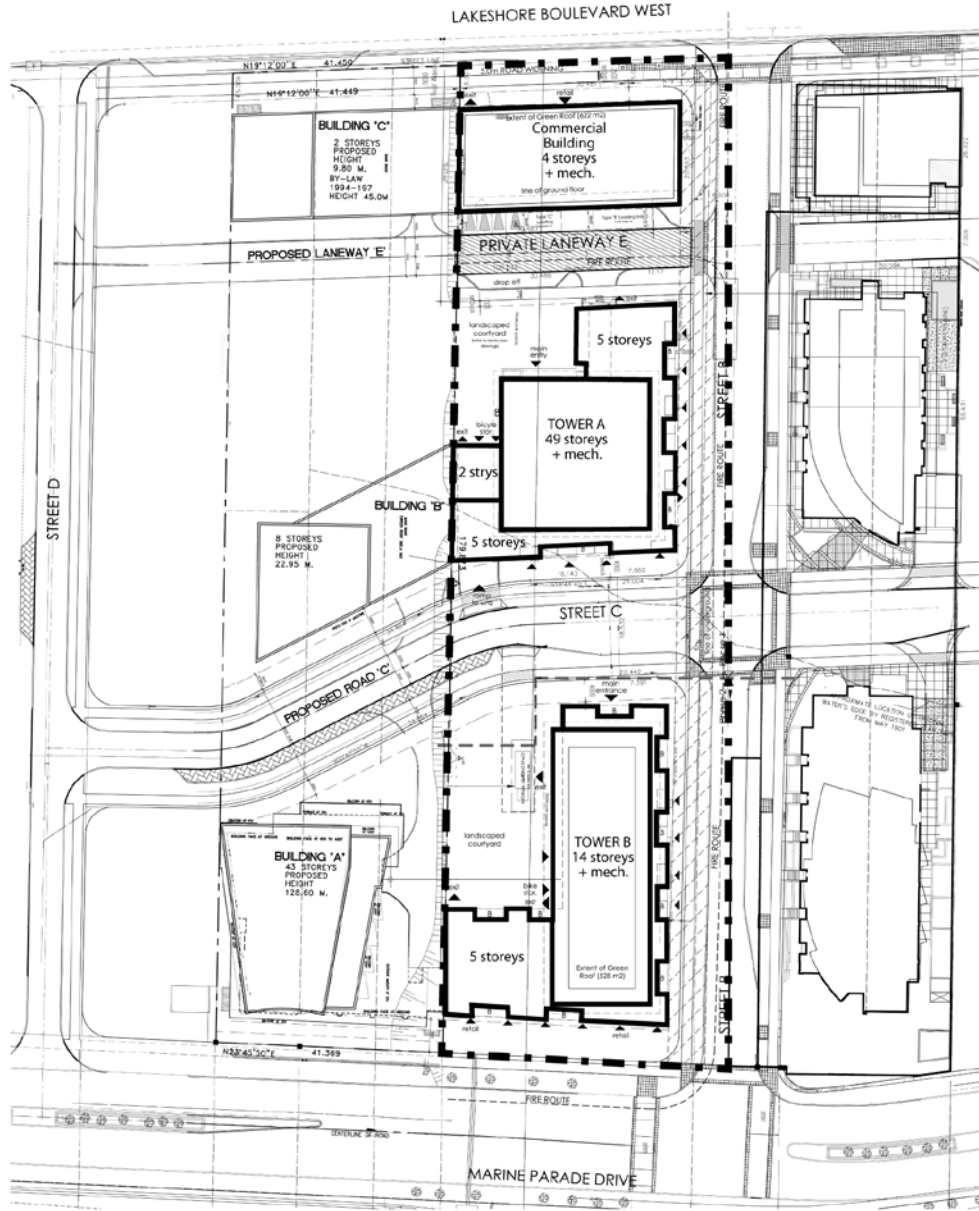
SIGNATURE

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

ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: Elevations – South
- Attachment 3: Elevations – North
- Attachment 4: Elevations – Tower A, East and West
- Attachment 5: Elevations – Tower B and Commercial Building, East and West
- Attachment 6: Official Plan
- Attachment 7: Zoning
- Attachment 8: Application Data Sheet
- Attachment 9: Draft Official Plan Amendment
- Attachment 10: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

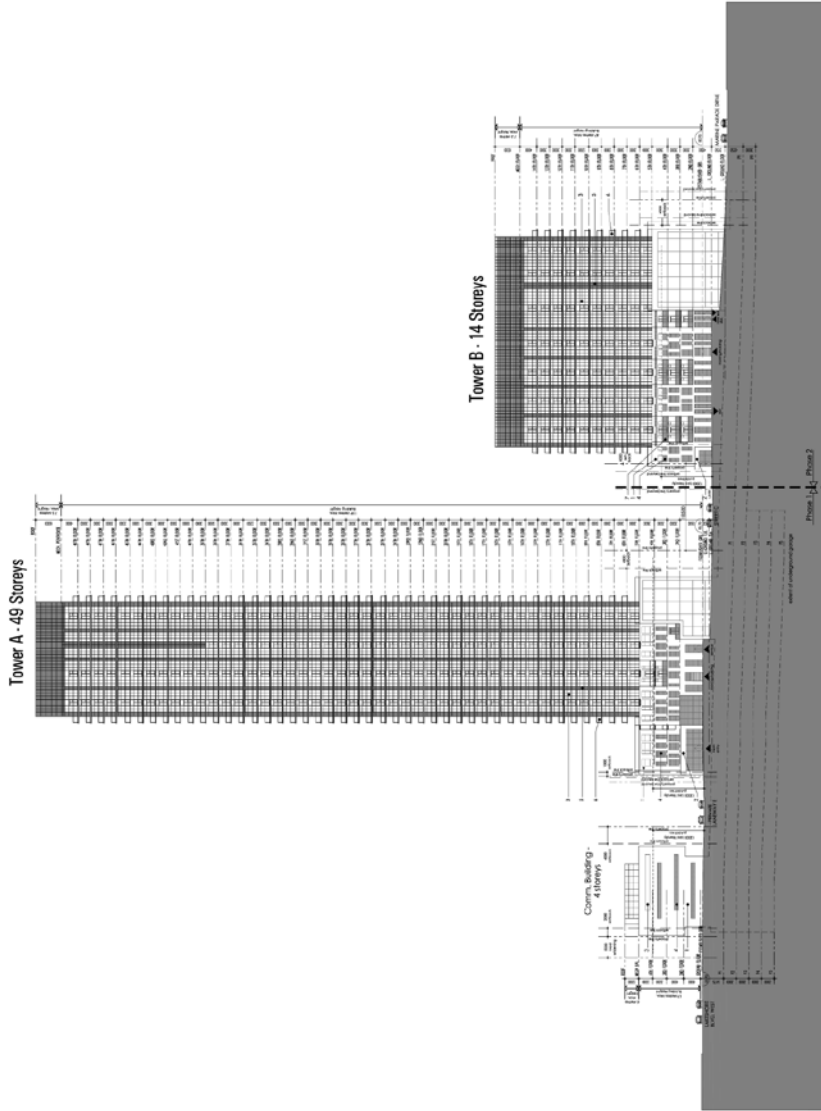
2161 - 2165 Lake Shore Boulevard West

Applicant's Submitted Drawing

Not to Scale →
01/19/2015

File # 13 247990 WET 06 0Z

Attachment 2: Elevations - South



South Elevation

2161 - 2165 Lake Shore Boulevard West

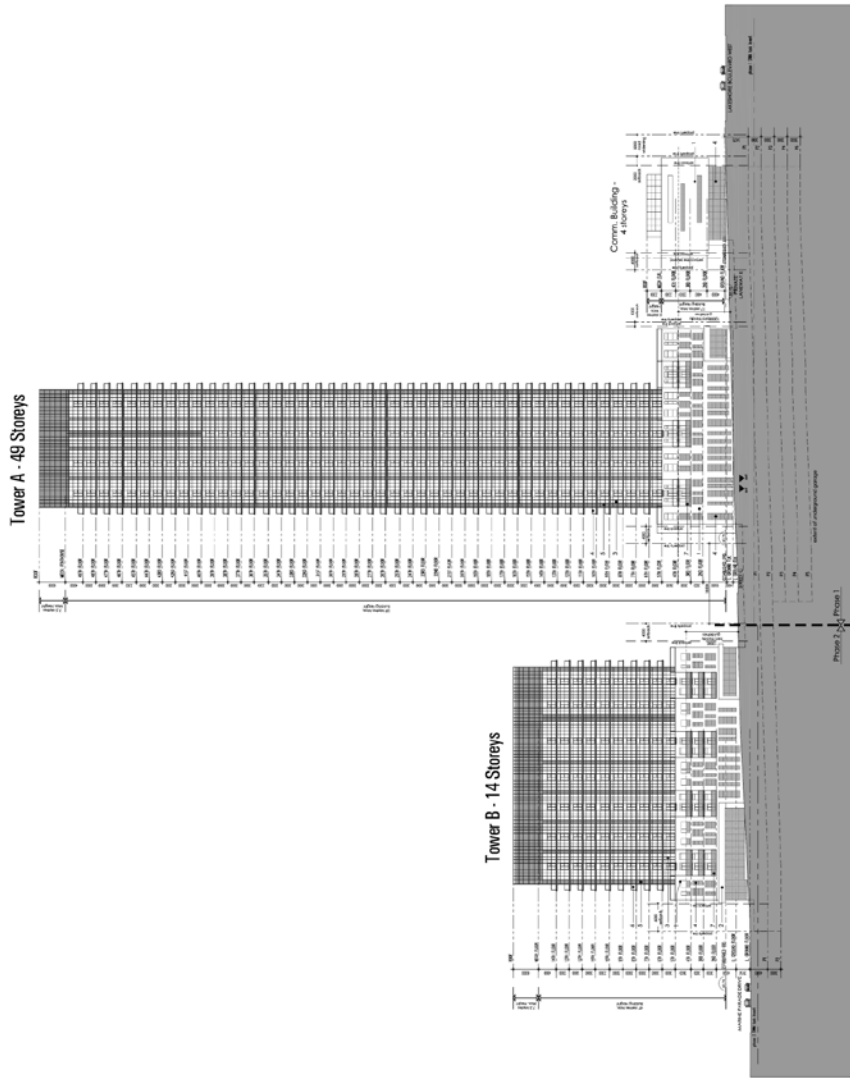
Elevations

Applicant's Submitted Drawing

Not to Scale
01/19/2015

File # 13 247990 WET 06 0Z

Attachment 3: Elevations - North



North Elevation

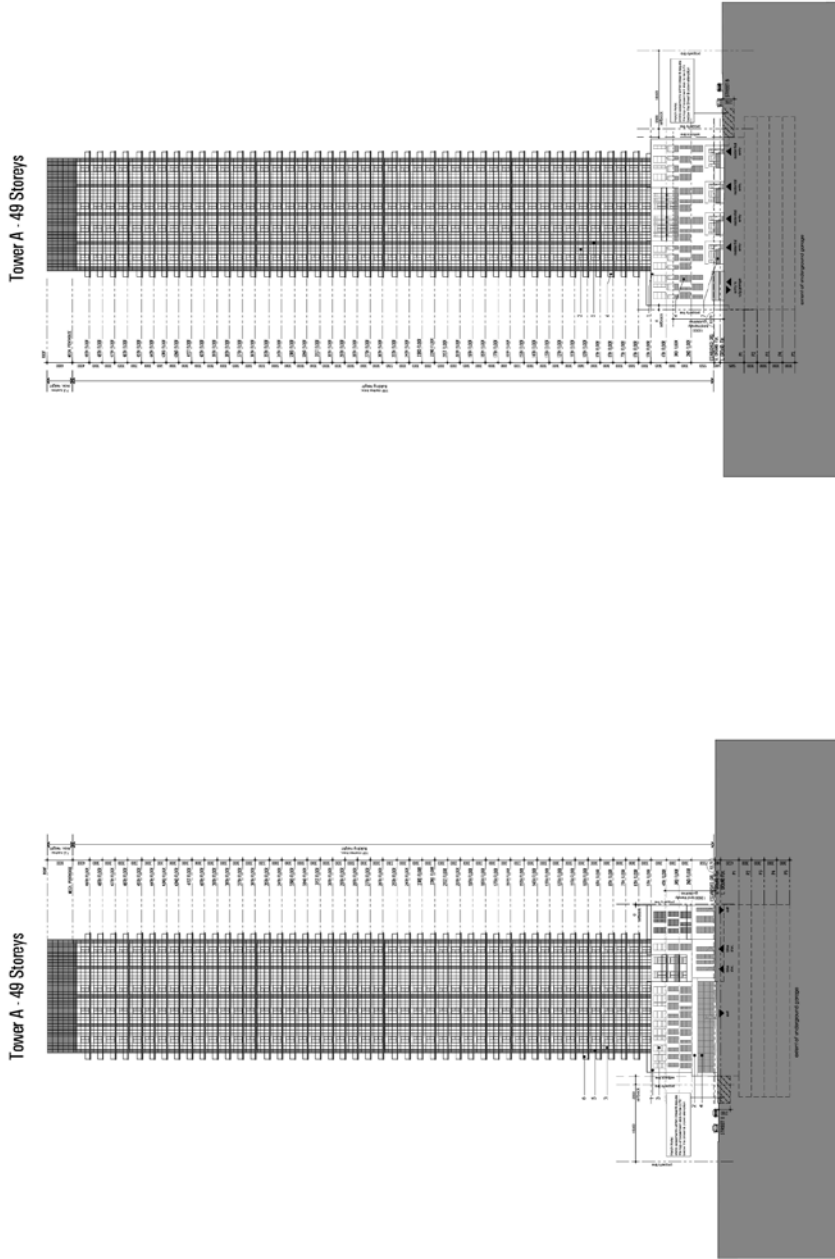
2161 - 2165 Lake Shore Boulevard West

Elevations
Applicant's Submitted Drawing

Not to Scale
01/19/2015

File # 13 247990 WET 06 0Z

Attachment 4: Elevations – Tower A, East and West



Elevations
Applicant's Submitted Drawing
Net to Scale
01/19/2015

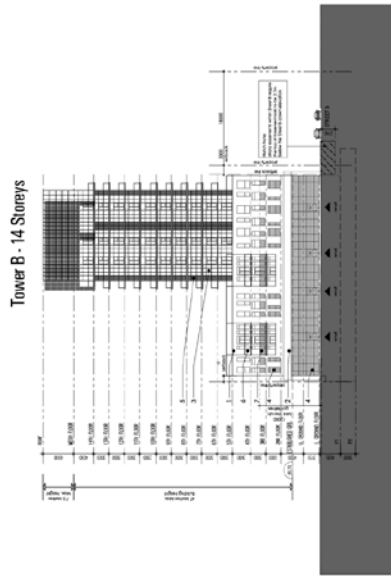
Tower A West Elevation

Tower A East Elevation

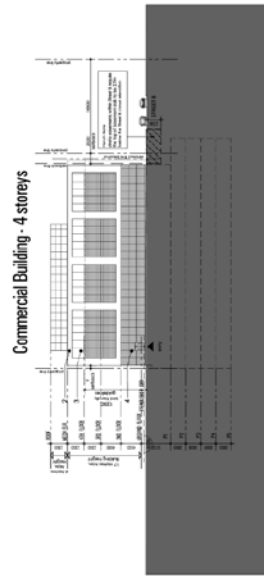
2161 - 2165 Lake Shore Boulevard West

File # 13 247990 WET 06 02

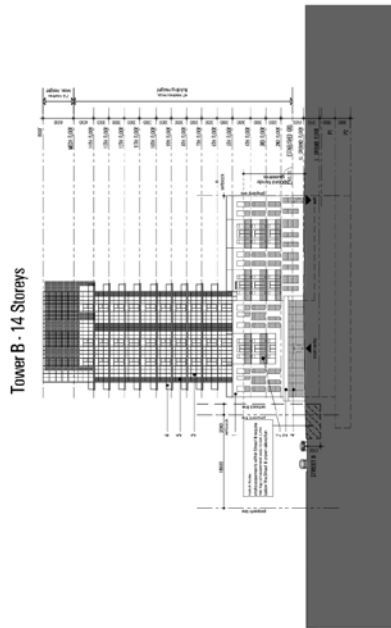
Attachment 5: Elevations – Tower B and Commercial Building, East and West



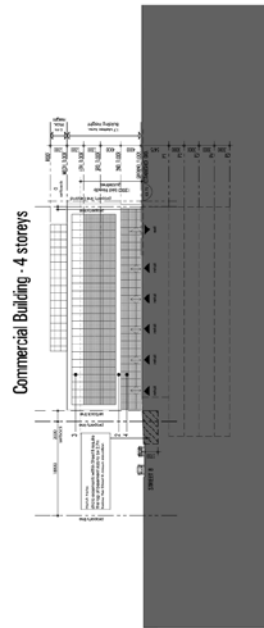
Tower B East Elevation



Commercial Building East Elevation



Tower B West Elevation



Commercial Building West Elevation

Elevations

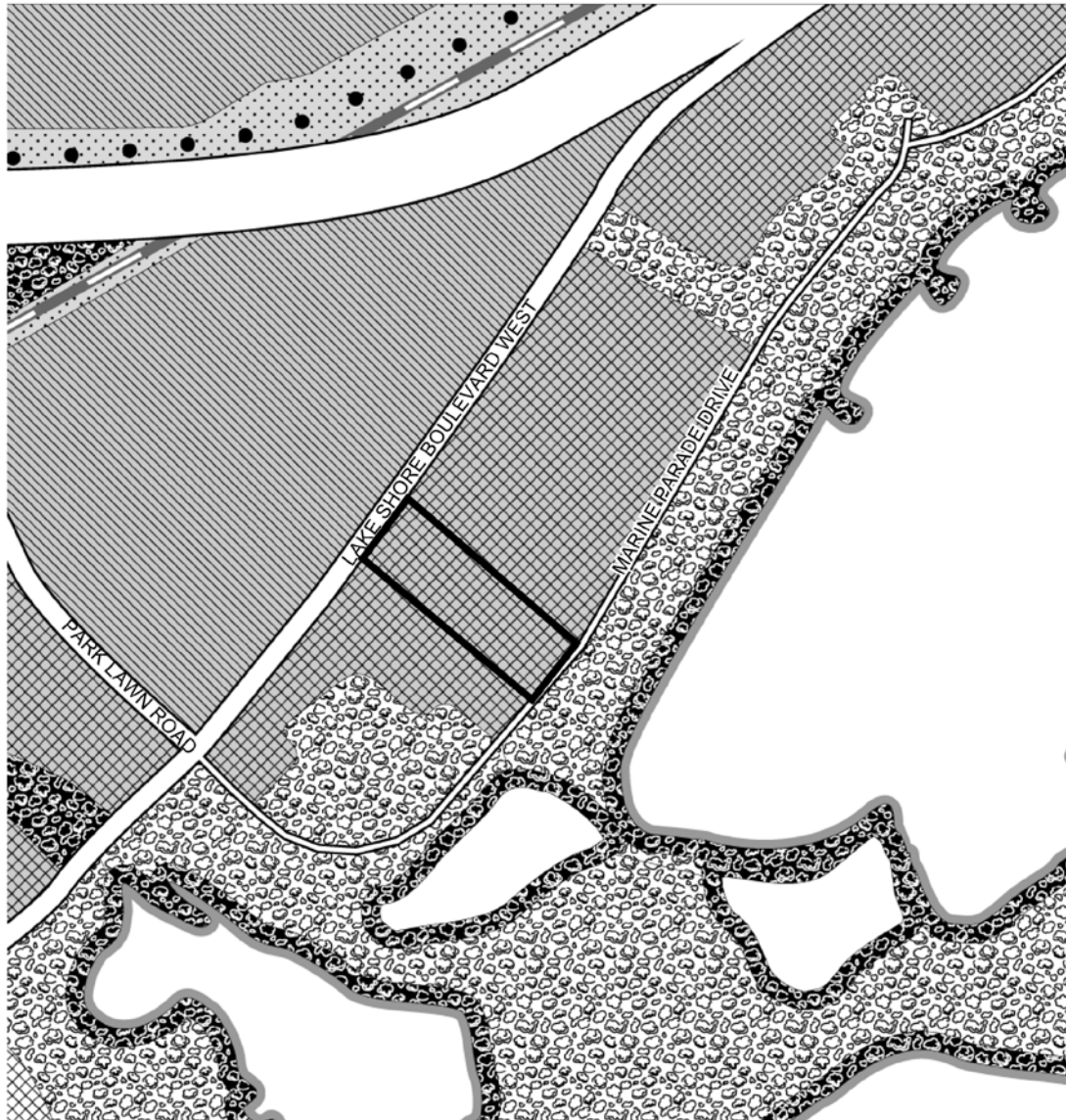
Applicant's Submitted Drawing

Not to Scale
01/19/2015

2161 - 2165 Lake Shore Boulevard West

File # 13 247990 WET 06 02

Attachment 6: Official Plan



TORONTO City Planning

2161 - 2165 Lake Shore Boulevard West

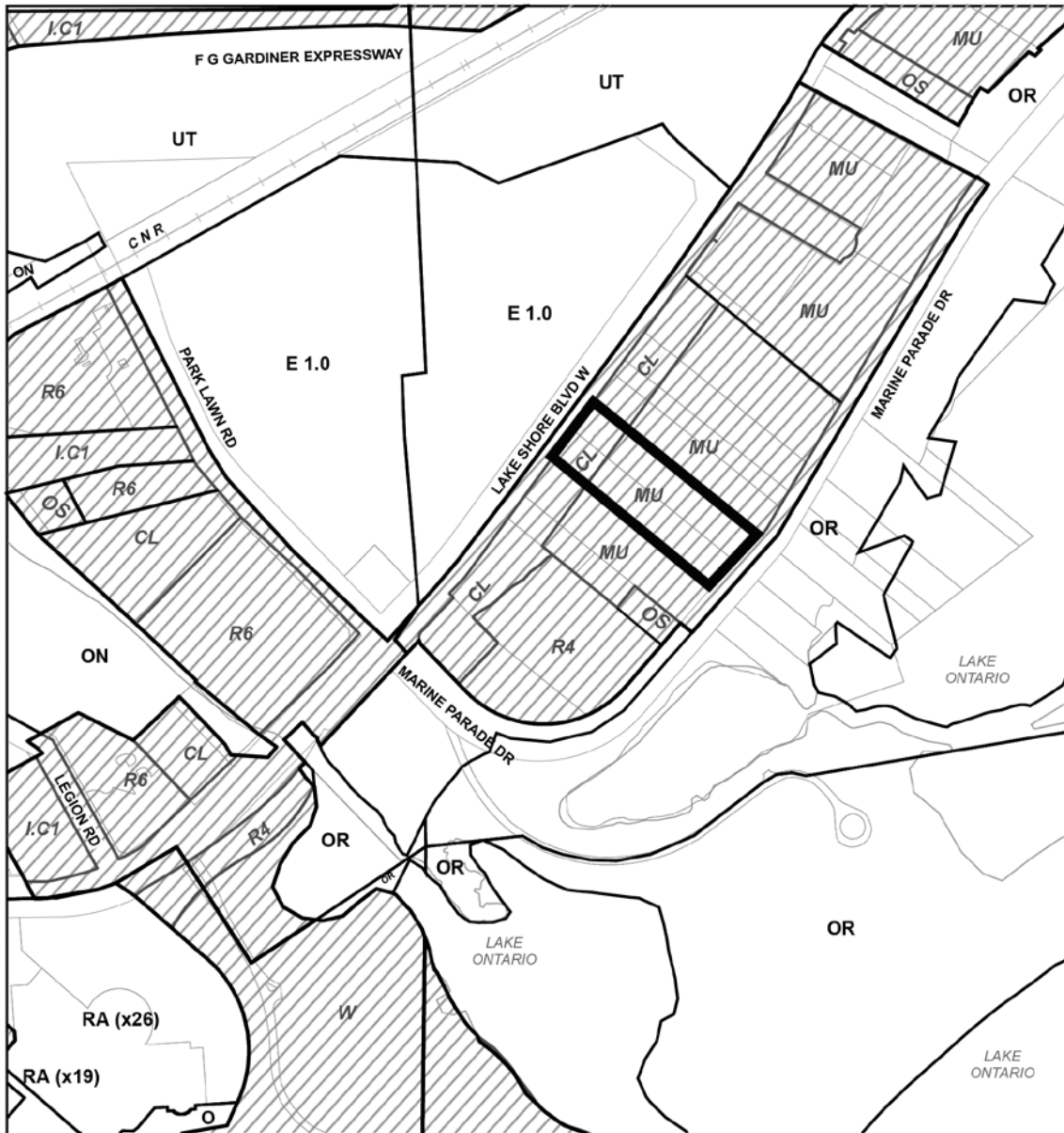
Official Plan Amendment #308

Amends Motel Strip Secondary Plan

File # 13 247990 WET 06 02



Attachment 7: Zoning



TORONTO City Planning
Zoning By-law 569-2013

2161 – 2165 Lake Shore Boulevard West
 File # 13 247990 WET 06 02

<p> Location of Application</p> <p>E Employment Industrial UT Utility and Transportation RA Residential Apartment</p>	<p>ON Open Space Natural OR Open Space Recreation O Open Space</p>	<p> See Former Zoning Code of the City of Etobicoke V131</p> <p>R4 Residential Fourth Density R6 Residential Sixth Density I.C1 Industrial Class 1 MU Mixed Use</p>
		<p>OS Public Open Space CL Limited Commercial (H) Hold</p>

Not to Scale
 Extracted 01/30/2014

Attachment 8: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	13 247990 WET 06 OZ
Details	OPA & Rezoning, Standard	Application Date:	October 8, 2013

Municipal Address: 2161-2165 LAKE SHORE BOULEVARD WEST
 Location Description: PLAN 1229 LOTS 11 & 12 WATER LOT **GRID W0608
 Project Description: Proposed amendments to the Official Plan and Etobicoke Zoning Code to permit a two-phase development consisting of: a 49 storey residential tower (Phase 1), a 4-storey commercial building (Phase 1) and a 14-storey residential building with grade-related commercial space (Phase 2).

Applicant:	Agent:	Architect:	Owner:
MONARCH CORPORATION		Graziani + Corazza Architects Inc.	WATER VIEW CORPORATION

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	MU and CL	Historical Status:	
Height Limit (m):	30 and 45	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	11,184	Height:	Storeys:	49
Frontage (m):	60.9		Metres:	166.5 (including mech.)
Depth (m):	184 (APPROX.)			
Total Residential GFA (sq. m):	50,489		Parking Spaces:	705
Total Non-Residential GFA (sq. m):	3,544		Loading Docks:	3
Total GFA (sq. m):	54,033			
Lot Coverage Ratio (%):	32			
Floor Space Index:	4.8			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Bachelor:	59	Residential GFA (sq. m):	50,489
1 Bedroom:	432	Retail GFA (sq. m):	3,544
2 Bedroom:	169	Office GFA (sq. m):	0
3 + Bedroom:	0	Industrial GFA (sq. m):	0
Total Units:	660	Institutional/Other GFA (sq. m):	0

CONTACT: PLANNER NAME: Carly Bowman, Planner
TELEPHONE: 416-394-8228

Attachment 9: Draft Official Plan Amendment

Authority: Etobicoke York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To adopt an amendment to the Official Plan
for the City of Toronto
respecting the lands known municipally in the year 2014, as
2161-2165 Lake Shore Boulevard West**

WHEREAS authority is given to Council under 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*;

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

1. The attached Amendment No. 308 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

AMENDMENT NO. 308 TO THE OFFICIAL PLAN
LANDS MUNICIPALLY KNOWN IN THE YEAR 2014 AS
2161-2165 LAKE SHORE BOULEVARD WEST

The Official Plan of the City of Toronto is amended as follows:

OFFICIAL PLAN AMENDMENT

The Official Plan of the City of Toronto is amended as follows:

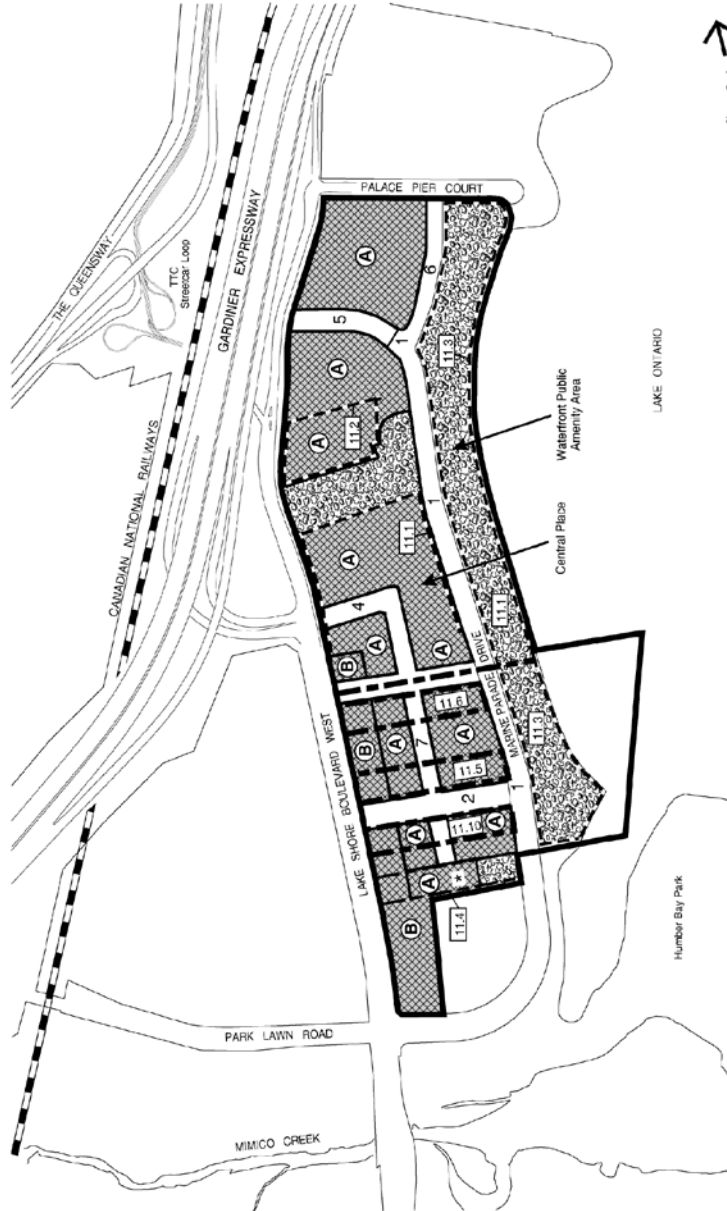
1. Chapter 6, Section 11, Motel Strip Secondary Plan, is amended by adding Site and Area Specific Policy 10 to Sub-Section 11.10 as follows:

"10. Notwithstanding Sections 2.4, 3.2, 4.1, 4.2, 8.5 and 8.6, the subject lands within *Mixed Use Areas 'A'* and *'B'* shall be developed for a mixed use project and shall be subject to the following policies:

- i. A maximum of 660 residential units on the subject lands to be located entirely within *Mixed Use Area 'A'*.
- ii. The maximum density within *Mixed Use Area 'A'* and *Mixed Use Area 'B'* shall be 2.9 times the gross lot area. The gross lot area of the site is 18,431 square metres.
- iii. A maximum total GFA of 53,400 square metres is permitted, which excludes grade-related retail/commercial developed in combination with any other use having equal or larger floor area in the same building within *Mixed Use Area 'A'*.
- iv. The maximum building height permitted in *Mixed Use Area 'A'* west of Internal Road 7, as shown on Map 11-1, shall be 167 metres (including mechanical) measured from established grade of 83.7 metres above sea level.
- v. The maximum building height permitted in *Mixed Use Area 'A'*, between Internal Road 7 and Marine Parade Drive, as shown on Map 11-1, shall be 55 metres (including mechanical), measured from established grade of 83.7 metres above sea level.

- vi. The maximum building height permitted in *Mixed Use Area 'B'* between Laneway 'E' and Lake Shore Boulevard West is 23 metres (including mechanical), measured from established grade of 83.7 metres above sea level.
2. Chapter 6, Section 11, Motel Strip Secondary Plan, Map 11-1 is amended by adding Site and Area Specific Policy 11.10 as shown on the attached map.
3. Chapter 6, Section 11, Motel Strip Secondary Plan, Map 11-2 is amended by reducing Internal Roads No. 2 and 7 from 23 metres to 18.5 metres as shown on the attached map.

AMENDMENT NO. 308 TO THE OFFICIAL PLAN



Motel Strip Secondary Plan
MAP 11-1 Land Use Plan

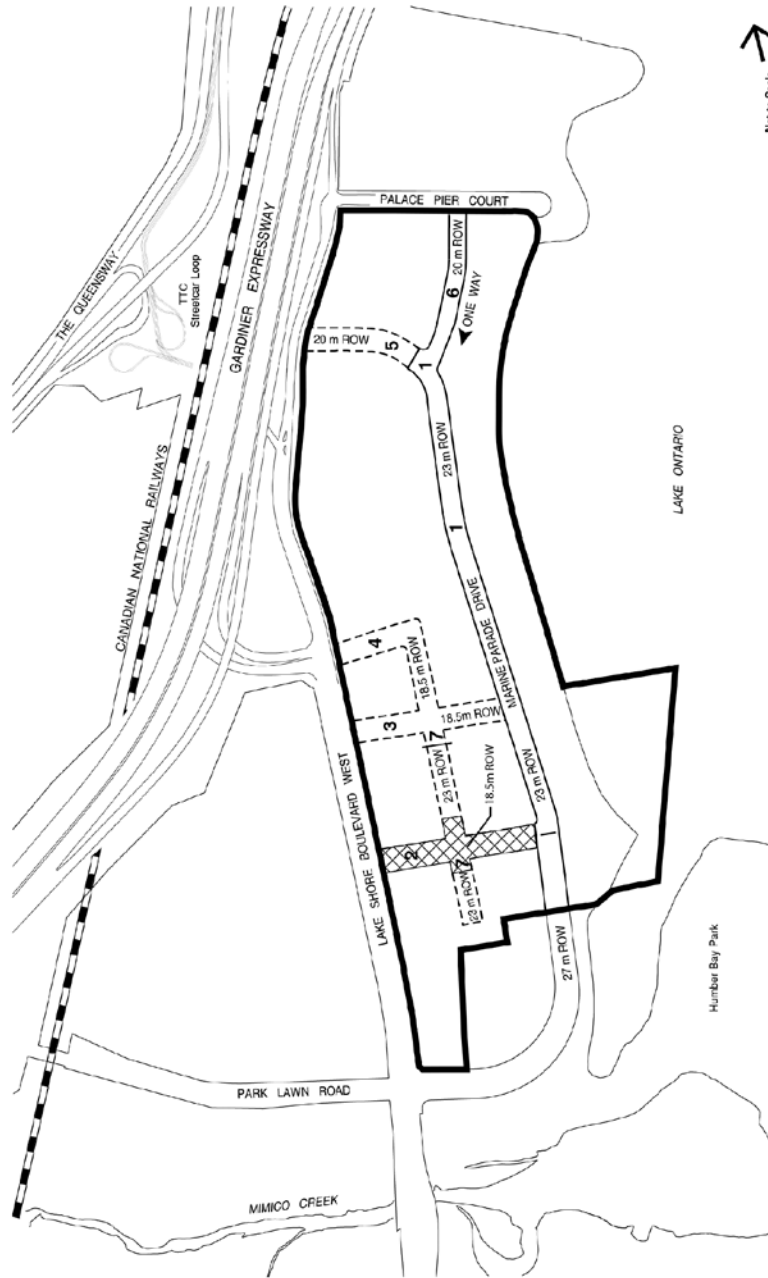


- 1-7 Internal Roads
- Secondary Plan Boundary
- Mixed Use Areas
- Parks and Open Space Areas
- Site and Area Specific Policies

* Note: Future Road Alignment to be determined (including Road 7)

December 2010

AMENDMENT NO. 308 TO THE OFFICIAL PLAN



North Arrow
Not to Scale

Motel Strip Secondary Plan MAP 11-2 Internal Public Roads System



- Secondary Plan Boundary
- 1-7 Internal Public Roads

December 2010

Attachment 10: Draft Zoning By-law Amendment

Authority: Etobicoke York Community Council Item ~ as adopted by City of Toronto Council on ~, 2015

Enacted by Council: ~, 2015

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2015

To amend Zoning By-law No. 1994-197, as amended, With respect to the lands municipally known as 2161-2165 Lake Shore Boulevard West

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

WHEREAS the Official Plan for the City of Toronto contains 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 and density of development beyond those otherwise permitted by the By-law and that will be permitted in return for the provision of facilities, services or matters as 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, the Municipality may require the owner to enter into one or more agreements with the Municipality dealing with the facilities, services and matters;

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 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:

“Bicycle Parking Space” – means a resident – *bicycle parking space* or a visitor/commercial – *bicycle parking space*.

“Building Envelope” – means the building area permitted within the heights and 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 83.7 metres above sea level at Lake Shore Boulevard West adjacent to the Lands.

“Height” – means, with respect to a building erected on the Lands, the vertical distance between 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, architectural elements, fences, stairs, stair enclosures, and recreational/amenity areas on the roof of such building, which are permitted a maximum of 7.5 metres above the maximum permitted building height.

"Lands" – shall mean the lands outlined by heavy lines on the attached Schedule 'A' attached hereto, and shall be deemed to include the combined Commercial and Mixed Use Development Site Areas of 18,431m² of Parcels 6 and 7 on Schedule 'C' of By-law No. 1994-197, and Street C and Street B and the Lakeshore Boulevard Widening for the purpose of permitted gross floor area and density, as shown on Schedule 'A-3' attached hereto.

“Lake Shore Boulevard Widening” – means part of the Lands to be conveyed to the City of Toronto to widen Lake Shore Boulevard West as shown on Schedule 'A-3' attached hereto.

“Laneway E” – means a private right-of-way for vehicular and pedestrian access subject to a public access easement on the Lands as shown on Schedule 'A-3' attached hereto.

“Loading Space – Type B” – shall mean a loading space with minimum length of 11 metres, a minimum width of 3.5 metres and vertical clearance of 4.0 metres.

“Loading Space – Type C” – shall mean a loading space with a minimum length of 6 metres, a minimum width of 3.5 metres and vertical clearance of 3.0 metres.

“Loading Space – Type G” – shall mean a loading space with a minimum length of 13 metres, a minimum width of 4 metres and vertical clearance of 6.1 metres.

“Mechanical Floor Area” – means a room or enclosed area, including its enclosing walls within a building or structure above or below grade that is used exclusively for the accommodation of heating, cooling, ventilation, electrical mechanical (other than escalators), elevator shafts and telecommunications equipment that serves a building on the Lands.

"Minor Projections" – means the minor structure or building elements which may project beyond the Building Envelope into required setbacks including roof eaves, window sills, railings, cornices, parapets, guard rails, balconies, terraces, landscaping, elements of a green roof, canopies, exterior stairs, and covered ramps to a maximum projection of 2 metres.

"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.

“Street C” – means part of the Lands for a future public road, 18.5 metres in width, to be conveyed to the City of Toronto as shown on Schedule 'A-3' attached hereto.

“Street B” – means part of the Lands for future public road, 18.5 metres in width to be conveyed to the City of Toronto as shown on Schedule 'A-3' attached hereto.

“Temporary Sales Office” – means a building, structure, facility or trailer on the Lands used for the purpose of the sale of dwelling units to be erected on the Lands.

“By-law No. 1994-197” – means the By-law No. 1994-197, as amended, pursuant to an Ontario Municipal Board Order dated July 18, 1996.

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 6 and 7.
3. That By-law No. 1994-197, as amended pursuant to an Ontario Municipal Board Order dated July 18, 1996, be further amended by Schedule 'D-3' annexed hereto, in order to permit an increased maximum height on portions of Parcels 6 and 7 classified Mixed-Use (MU).
4. Notwithstanding By-law 1994-197, the provisions of Schedule 'C' save and except as it applies to parcels 6 and 7 does not apply.

5. Number of Units

The maximum number of dwelling units permitted on the Lands shall be 660.

6. 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 6 and 7 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 Schedules 'A' and 'A-3' 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 Schedules 'A' and 'A-3' 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 2.9, and shall be calculated on the basis of the area of the Lands of 18,431 square metres which is the combined land areas of Parcel 6 and 7 as shown on Schedule 'C' of By-law No. 1994-197, as amended.
- (d) For the purpose of calculating gross floor area permitted on the Lands described in Schedule 'A-3', the following floor space may be excluded: Mechanical Floor Area, Residential Amenity Space, storage rooms above or below grade for bike parking, lockers and waste handling areas, vehicular parking below grade, and grade related commercial floor area on that part of the Lands zoned Mixed Use (MU).
- (e) The residential gross floor area of Towers "A" and "B" erected on that part of the Lands zoned Mixed Use (MU) shall not exceed 50,489 square metres.
- (f) The non-residential gross floor area of the building erected on that part of the Lands zoned Limited Commercial (CL) shall not exceed 2,828 square metres.
- (g) The combined residential and non-residential gross floor area of the buildings erected on the Lands shall not exceed 53,317 square metres.

7. Height

Notwithstanding By-law No. 1994-197, Schedule 'D', as amended pursuant to an Ontario Municipal Board Order dated July 18, 1996, the height of any building or structure, or portion thereof, shall not exceed those heights as indicated on the attached Schedule 'D-3'.

- (a) The Height of Tower "A", located within the centre of the Lands, and as measured from the established grade of Lake Shore Boulevard West adjacent to the Lands, shall not exceed the height of 159 metres shown on Schedule 'D-3'
- (b) The Height of Tower "B", located adjacent to Marine Parade Drive, and as measured from the established grade of Lake Shore Boulevard West adjacent to the Lands, shall not exceed the height of 47 metres shown on Schedule 'D-3'
- (c) The Height of the commercial building, adjacent to Lake Shore Boulevard West, and as measured from the established grade of Lake Shore Boulevard West, shall not exceed the height of 17 metres as shown on Schedule 'D-3'

8. 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 Mixed Use (MU) and Limited Commercial (CL):
 - (i) *Residential amenity space*, 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.

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) The following minimum parking requirements apply to dwelling units on the Lands:
 - (i) Bachelor dwelling units – a minimum of 0.7 parking spaces per dwelling unit
 - (ii) One bedroom dwelling units – a minimum of 0.8 parking spaces per dwelling unit
 - (iii) Two bedroom dwelling units – a minimum of 0.9 parking spaces per dwelling unit
 - (iv) Three or more bedroom dwelling units – a minimum of 1.1 parking spaces per dwelling unit
 - (v) An additional 0.15 parking spaces per dwelling unit shall be reserved for the use of visitors
- (b) 1 parking space per 100 square metres of commercial space shall be provided.
- (c) The reserved visitor parking can be shared with, and used to meet, the commercial parking requirement. The shared visitor/commercial parking supply shall be equal to the minimum visitor parking requirement or the minimum commercial parking requirement, whichever is higher.
- (d) Loading:

One Type 'B' loading space, one Type 'C' loading space and one Type 'G' loading space are required on the Lands.

10. Bicycle Parking

A minimum of 520 Bicycle Parking Spaces shall be provided as follows:

- (a) Commercial Building

Occupant:	4
Visitor:	12
- (b) Tower "A"

Residential:	302
Visitor:	76
- (c) Tower "B"

Residential:	95
Visitor:	24

Retail Occupant:	1
Retail Visitor:	6

11. Amenity Area

Recreational Amenity Space shall be provided as follows:

- Tower "A": A minimum of 1,004 square metres of indoor Recreational Amenity Space
A minimum of 1,004 square metres of outdoor Recreational Amenity Space
- Tower "B": A minimum of 322 square metres of indoor Recreational Amenity Space
A minimum of 322 square metres 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:

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 level.
- (ii) 2.5 metres from the future road widening along Lake Shore Boulevard West for all floors above the ground floor level.

Tower "A" – point tower adjacent to Street "C"

- (i) 4.0 metres from the future road allowance of Street "C"
- (ii) 2.0 metres from the future road allowance of Street "B"

Tower "B" – tower adjacent to Marine Parade Drive

- (i) 4.0 metres from the future road allowance of Street "C"
- (ii) 2.0 metres from the future road allowance of Street "B"
- (iii) 6.0 metres from Marine Parade Drive

- (b) Minor Projections shall be permitted subject to Section 1 – Definitions of the By-law.
- (c) The underground garage is permitted to extend the full extent of Parcel 6 and 7 as identified on Schedule 'B', including below public and private right-of-ways.

13. Tower Floorplate

The floorplate of the tower element of Tower "A" shall not exceed 750 square metres, excluding balconies.

- 14.** 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.

- 15.** Within the lands shown on Schedule 'A' attached to this By-law, 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, and
- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

16. 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 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:

- i. Undertake the design and construction of the Village Court East to a maximum value of \$500,000, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor. This undertaking is to be secured by a Letter of Credit in the same amount in favour of the City, to be provided prior to the issuance of the first above grade permit for the 49 storey tower.
- ii. A cash contribution of \$250,000 to be paid to the City prior to the issuance of the first above grade permit for the 14 storey tower, and to be used for local park improvements and/or local trail improvements, as determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
- iii. A cash contribution of \$250,000 to be paid to the City prior to the issuance of the first above grade permit for the 14 storey tower, and to be used for public art improvements in Humber Bay Shores Park and co-ordinating with the Humber Bay Shores Park Trail Improvements initiative, as determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, where:
 - a. "Public Art" shall include works of sculptured art, works of visual and graphic art, sculptured landscaping, fountains, and artistic treatment of publicly accessible areas including, without limitation, exterior publicly accessible areas (public sidewalks, exterior walls or other building elements), clearly visible at all times from publicly accessible areas, including but not limited to flooring, structure, lighting and street furnishings, provided such elements of work have been designed by or in collaboration with artists and selected by a process and are in accordance with a program recommended by the Toronto Public Art Commission through the Chief Planner and Executive Director, City Planning, and approved by City Council.
- iv. The cash contributions identified in i., ii., and iii. 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. In the event the cash contributions referred to in i., ii., and iii. have not been used for the intended purpose within three years of the 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, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the property.

- v. 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.

- 17. 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 Lands as if no severance, partition or division had occurred.
- 18. 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
XXXX-2015 XXXX, 2015	Lands located on the east side of Lake Shore Boulevard West, north of Park Lawn Road, municipally known as 2161-2165 Lake Shore Boulevard West in the year 2015.	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 Update

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

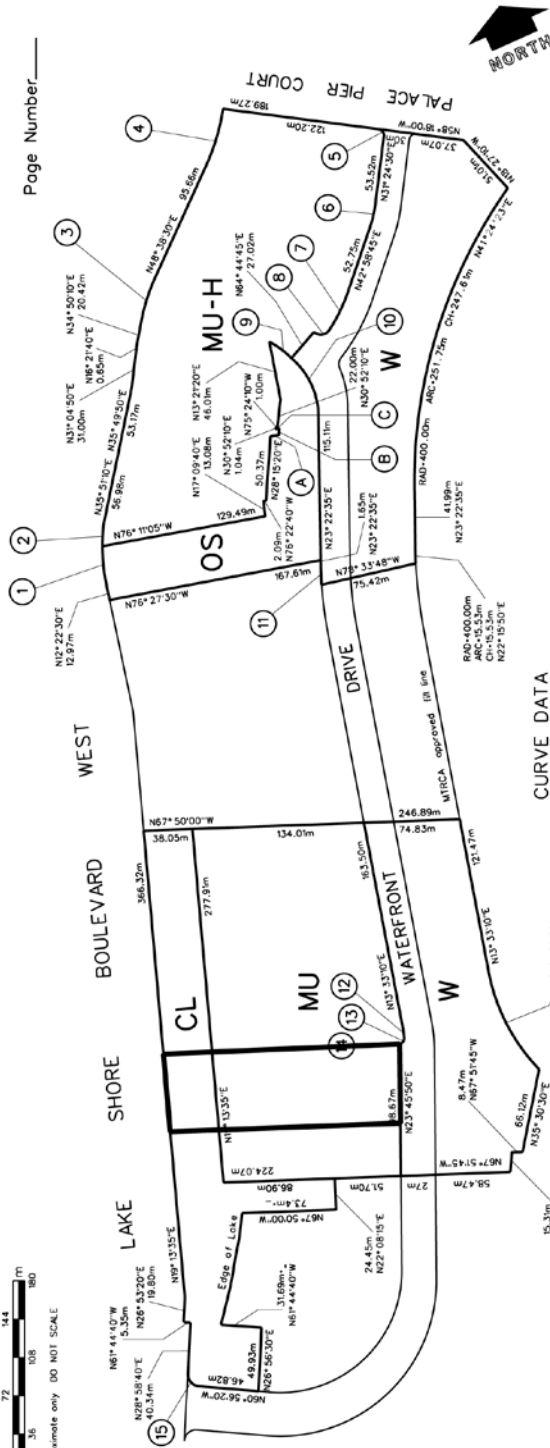
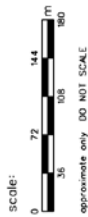
The Corporation of the City of Etobicoke Schedule 'A' BY-LAW Number _____

Mayor _____

PART OF LOTS 'D', 'E' AND 'F'

Clerk _____

Page Number _____



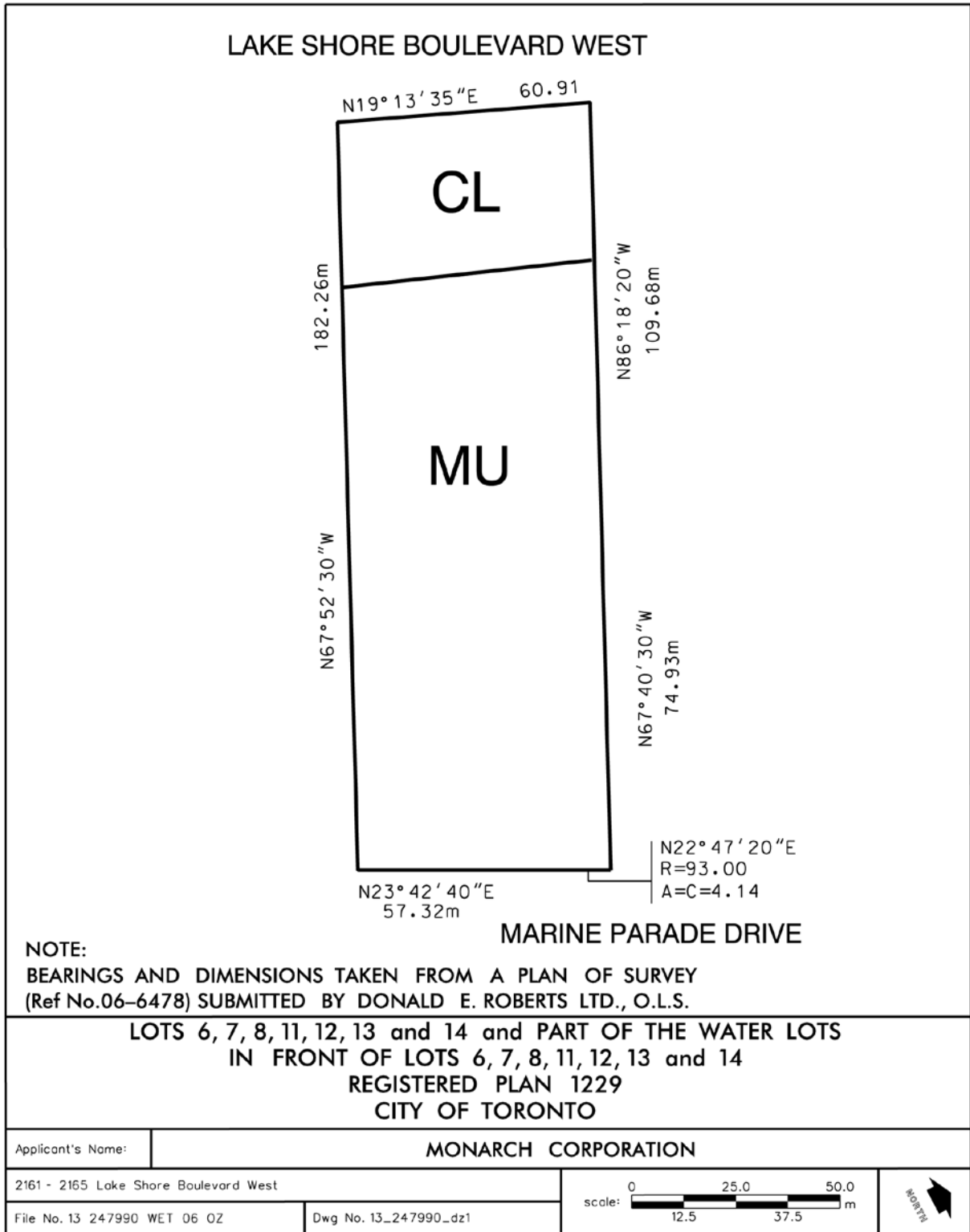
CURVE DATA

No.	RADIUS	ARC	CHORD	BEARING	No.	RADIUS	ARC	CHORD	BEARING
1	152.40m	29.79m	29.74m	N18°10'20"E	9	73.00m	23.32m	23.22m	N37°00'45"W
2	152.40m	37.39m	37.29m	N41°52'00"E	10	66.00m	50.92m	49.41m	N00°56'98"W
3	152.40m	46.37m	46.23m	N40°55'30"E	11	320.00m	17.96m	17.80m	N27°46'30"E
4	172.52m	7.82m	7.05m	N37°26'50"W	12	97.00m	7.26m	7.26m	N3°42'17"E
5	90.00m	18.89m	18.15m	N37°14'0"E	13	5.00m	6.98m	6.43m	N57°48'52"E
6	140.00m	34.34m	34.25m	N50°00'23"E	14	93.00m	4.68m	4.68m	N22°20'0"E
7	8.00m	13.86m	12.19m	N73°19'03"W	15	9.14m	14.07m	12.75m	N18°57'00"W
8	8.00m	13.86m	12.19m	N73°19'03"W					

LINE DETAIL

No.	DISTANCE	BEARING
A	6.52m	N75°28'35"W
B	5.12m	N27°25'00"E
C	2.66m	N75°24'10"W

NOTE:
DIMENSIONS HAVE BEEN COMPILED FROM
DRAFT SURVEY PLANS (0331 - 9360) SUBMITTED BY
WILDMAN STEWART YOUNG LIMITED, O.L.S.
CAD DRAWING C:\USERS\MOSTRIP\BYLAW\2100 NOVEMBER 20 1995



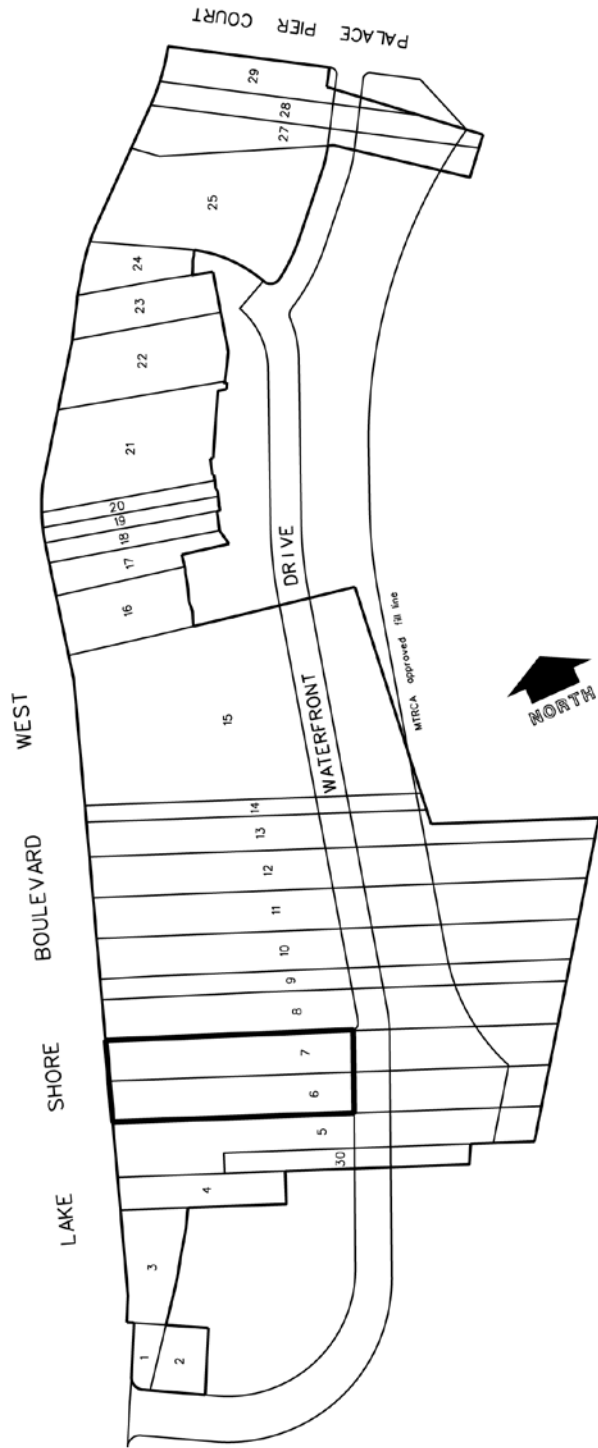
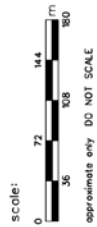
The Corporation of the City of Etobicoke
 Schedule 'B' BY-LAW Number 1994-197

PART OF LOTS 'D', 'E' AND 'F'

 Mayor

 Clerk

Page Number _____



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SCHEDULE 'C'

PARCEL	COMMERCIAL DEVELOPMENT SITE (m ²)	MIXED-USE DEVELOPMENT SITE (m ²)	NUMBER OF UNITS
1	1200	N/A	N/A
2	1600	N/A	N/A
3	5513	N/A	N/A
4	3032	N/A	N/A
5	1575	7171	118
6	1158	7781	660
7	1154	8338	
8	1158	8732	140
9	578	4392	71
10	1157	8472	140
11	1157	9029	149
12	1159	8754	144
13	984	6411	107
14	475	2675	43
18	N/A	1931	31
20	N/A	1529	25
21	N/A	11260	186
22, 23	N/A	9930	162
24	N/A	2369	40
25	N/A	11790	262 incl. 105 Seniors' Dwelling Units
27	N/A	5552	92
28	N/A	4328	72
29	N/A	3669	61
30	N/A	2500	41
TOTAL UNITS			2150

