

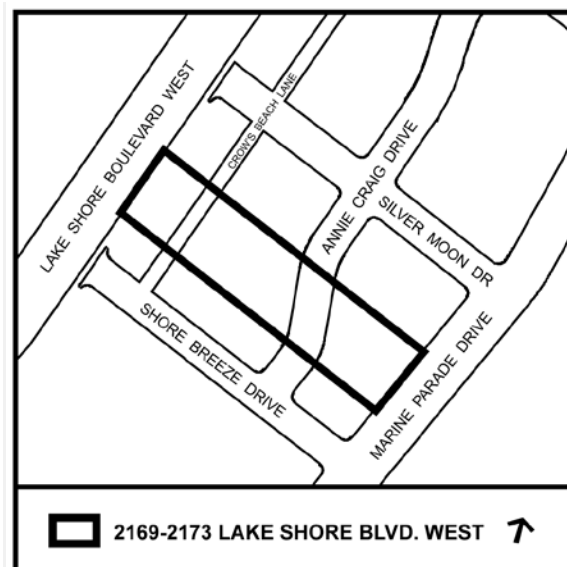
2169-2173 Lake Shore Boulevard West – Official Plan and Zoning By-law Amendment Application – Supplementary Report #2

Date:	December 13, 2016
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Ward:	Ward 6 – Etobicoke-Lakeshore
Reference Number:	12 142290 WET 06 OZ

SUMMARY

This report provides additional information on proposed revisions to a previously approved development at 2169-2173 Lake Shore Boulevard West and recommends amendments to the previously approved development outlined in the Final Report and the first Supplementary Report from the Director, Community Planning, Etobicoke York District, dated June 2, 2014 and June 13, 2014. The first Supplementary Report (June 13, 2014) recommended amendments to the quantum and allocation of the Section 37 contribution for the development. This modification required an amendment to the Draft Zoning By-law, included in the June 2, 2014 report. Although City Council approved the application, the necessary Bills have yet to be enacted as the applicant has not fulfilled the required conditions and has made further revisions to the proposal.

This revised application now proposes to amend the Official Plan and Site Specific Zoning By-law 1994-197 for the subject lands to permit a 2-storey commercial building (fronting Lake Shore Boulevard West), an 8-storey residential building (fronting Anne Craig Drive) and a 43-storey mixed use building with ground floor retail units (fronting Marine Parade



Drive). The proposed revisions relate to the reallocation of gross floor area, increased building heights and specifying the size and intended location of a privately-owned publicly-accessible space (POPS). The previously approved proposal included a residential building at 6-storeys and a mixed use building at 41-storeys, as well as the 2-storey commercial building. The development would still contain a maximum of 540 residential units and a total of 563 vehicular parking spaces (within a three level underground parking garage).

RECOMMENDATIONS

The City Planning Division recommends that the Recommendations contained in the reports (June 2, 2014 and June 13, 2014) from the Director, Community Planning, Etobicoke York District, be replaced with the following:

1. City Council amend the Official Plan for the lands at 2169-2173 Lake Shore Boulevard West substantially in accordance with the Draft Official Plan Amendment attached as Attachment 3 to this report.
2. City Council amend Zoning By-law 1994-197 for the lands at 2169-2173 Lake Shore Boulevard West substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment 4 to this report.
3. City Council determine, pursuant to Section 34(17) of the *Planning Act*, that no further notice to the public is required of the changes to the Draft Official Plan Amendment and Draft Zoning By-law Amendment.
4. 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.
5. 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 public park on the adjacent property at 2175 Lake Shore Boulevard West.
 - B. Require that any cash amount identified in '5A.' above 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 contribution referred to in '5A.' above 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 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.
 - D. The following is also recommended to be secured in the Section 37 Agreement, as a legal convenience to support development:
 - i. The owner shall provide, at its own expense, a minimum area of 970 m² of privately-owned publicly-accessible space (POPS) and public access easements to and over the POPS for members of the public. The public access easements are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances. The owner shall own, operate, maintain and repair the POPS. The owner shall install and maintain a centralized sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 12:01 a.m. 365 days of the year.
 - ii. 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.
6. Before introducing the necessary Bills to City Council for enactment, the owner be required to:
- A. Submit results of hydrant flow tests that indicate the existing watermain system can support the proposed development to the satisfaction of the Executive Director, Engineering and Construction Services.
 - B. Complete the requirements and related approvals process of the City's Tree By-laws to the satisfaction of Manager, Tree Protection and Plan Review, Urban Forestry.

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 subject to 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. In addition, City Council adopted (July 2008) the Humber Bay Shores Urban Design Guidelines Update and Public Realm Plan to address the built form relationships of taller buildings to the public realm, local streets and block patterns. This document can be viewed at the following link:

<http://www.toronto.ca/legdocs/mmis/2008/ey/bgrd/backgroundfile-13991.pdf>

On June 17, 2014, the Etobicoke York Community Council considered a Final Report (dated June 2, 2014) and the first Supplementary Report (dated June 13, 2014) related to this application. The reports were adopted with amendments.

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. The negotiation 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.

On July 8, 2014, City Council adopted the Final Report (with amendments) related to this application. The Report recommended that before introducing the necessary Bills to City Council for enactment, the owner be required to fulfill a number of conditions which included entering into an Agreement pursuant to Section 37 of the *Planning Act*, submitting hydrant flow tests and completing the requirements under the City's Tree By-law. The Bills have yet to be enacted as the applicant has not fulfilled the required conditions. The City Council decision and reports can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EY34.4>

ISSUE BACKGROUND

As noted above, the owner was to enter into a Section 37 Agreement to secure a number of matters. Pending the preparation of the Section 37 Agreement, discussions occurred between the applicant and Planning staff related to potential modifications to the gross floor area within the podium of the approved 41-storey mixed use building (fronting Marine Parade Drive). Planning staff requested that the applicant reduce the size of the podium to achieve a greater separation distance between this podium and the podium directly adjacent to this site, located at 2161-2165 Lake Shore Boulevard West.

The proposal has been revised to address staff's concerns. The application is now proposing a reduction in the total gross floor area of the podium with a commensurate

increase in the floor areas of the 6-storey residential building fronting Anne Craig Drive and the 41-storey mixed use building fronting Marine Parade Drive. The increase in building heights would be two-storeys in each building while still containing a maximum of 540 residential units and a total of 563 vehicular parking spaces (within a three-level underground parking garage) in the development.

The development would incorporate 1,080 m² of indoor amenity space and 1,080 m² of outdoor amenity space, of which a minimum of 40 m² would be in a location adjoining or directly accessible to the indoor amenity space area. This equates to 2 m² of indoor and outdoor amenity space for each proposed residential unit. In addition, the development would provide a minimum area of 970 m² of privately-owned publicly-accessible space (POPS) which is included in the total outdoor amenity space required to be provided. This area would provide outdoor amenity space for the use of new residents as well as for visitors to the site and existing residents in the community. As well, the indoor and outdoor amenity areas would be located and designed with direct access between these areas.

This POPS would remain privately owned and maintained and would be secured through the Site Plan Control approval process. The size and intended location of this POPS has been specified in the revised Draft Zoning By-law in Attachment 4 to this report. In addition, this POPS provides a direct connection to other POPS that have been secured throughout the Humber Bay Shores area to create a system of open spaces.

Site Plan Control

The proposal is subject to Site Plan Control and an application for Site Plan approval was initially submitted on March 23, 2012. Revised plans have been submitted and are currently being reviewed by City staff. This most recent submission shows the modifications noted above, including a reduced podium (fronting Marine Parade Drive), an increase in heights to the residential and mixed-use buildings and the minimum required area dedicated for the POPS.

Conclusion

Staff are of the opinion the proposed modifications are not significant and recommend that City Council support the revised submission. The proposed changes have been addressed in the revised Draft Zoning By-law Amendment attached to this report. Staff are recommending the Draft Zoning By-law Amendment attached as Attachment 1 to the June 13, 2014, Supplementary Report be deleted and replaced with the revised Draft Zoning By-law Amendment in Attachment 4 to this report reflecting the modification in gross floor area and building heights and specifying the size and intended location of the privately-owned publicly-accessible space (POPS).

Overall, the proposed development would provide a mixed use development for this site that implements the principles of the Motel Strip Secondary Plan to achieve a waterfront community. The proposed increased building heights are appropriate as the massing of the buildings are consistent with the Humber Bay Shores Urban Design Guidelines and appropriate in the existing and planned context for the area. An active pedestrian

streetscape would be achieved with retail uses fronting Lake Shore Boulevard West and Marine Parade Drive. The provision of the POPS would add to the amenity of the area and provide connections to the lake.

Staff recommend that the revised proposal to amend the Official Plan and Zoning By-law be approved by City Council.

CONTACT

Sabrina Salatino, Planner
Tel. No. 416-394-8025
Fax No. 416-394-6063
E-mail: ssalati@toronto.ca

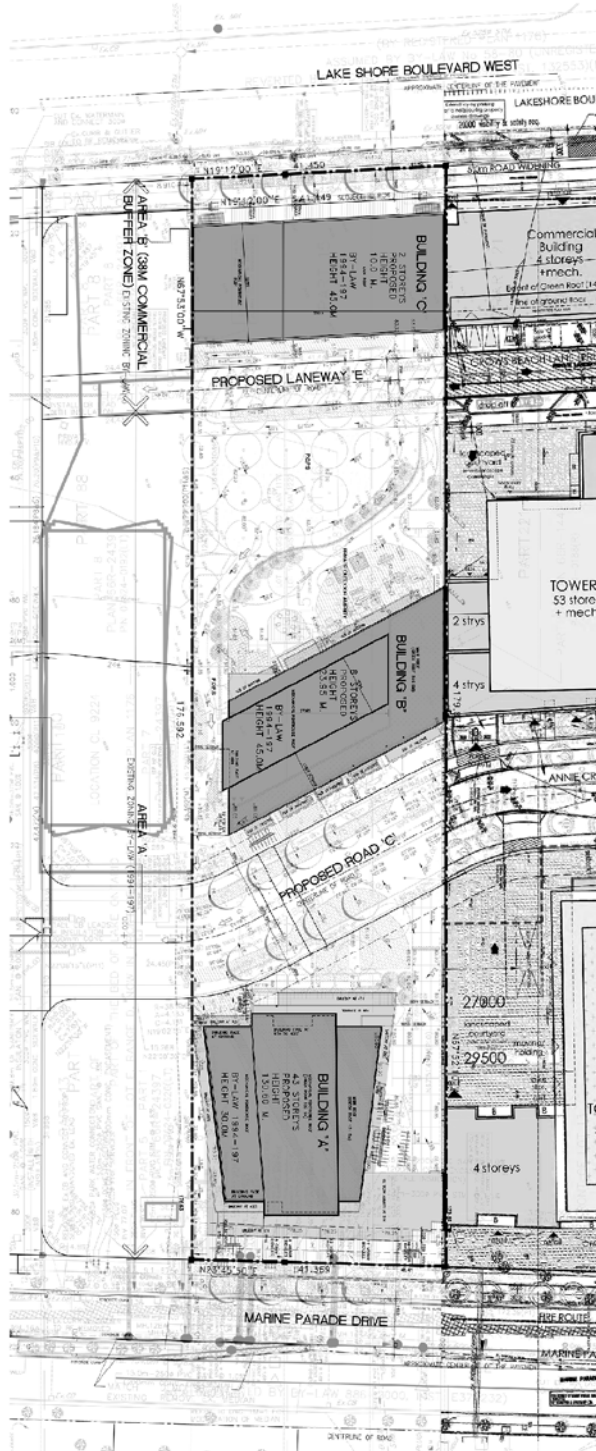
SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Draft Official Plan Amendment
Attachment 4: Draft Zoning By-law Amendment

Attachment 1: Site Plan



2169-2173 Lake Shore Boulevard West

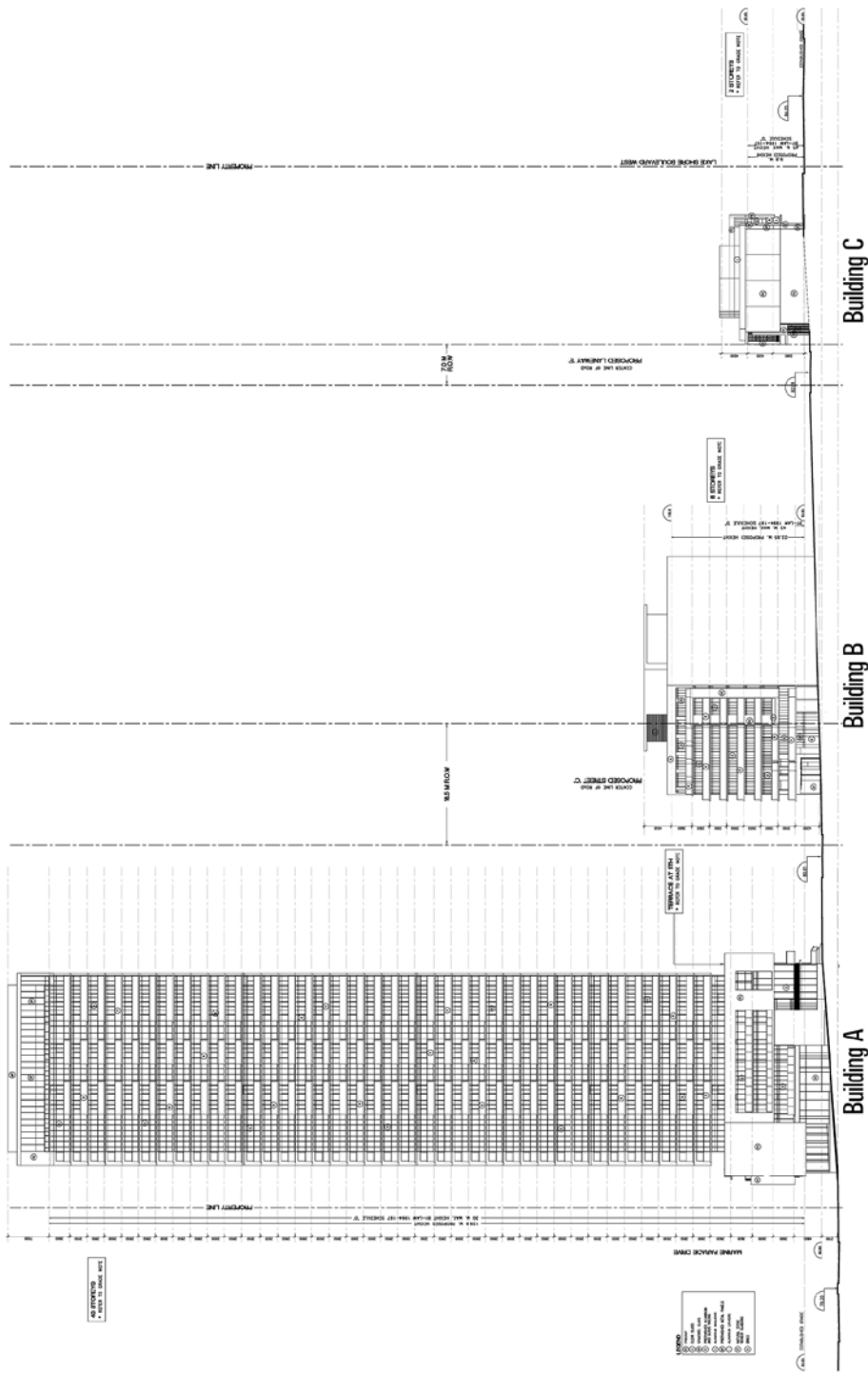
Site Plan

Applicant's Submitted Drawing

Not to Scale
12/09/2016

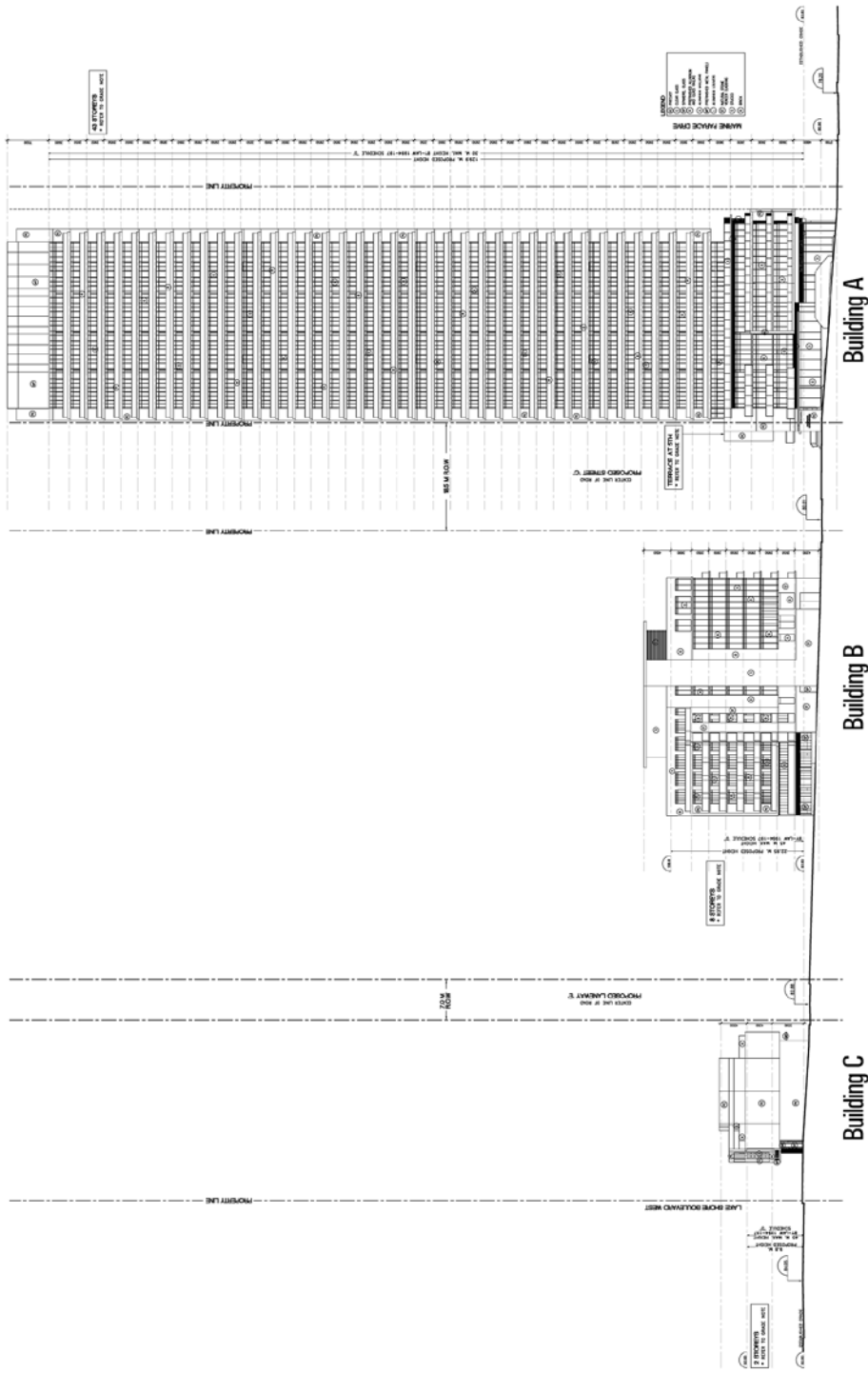
File # 12 142290 WET 06 02

Attachment 2: Elevations



Elevations
Applicant's Submitted Drawing
Not to Scale
09/12/2016

2169-2173 Lake Shore Boulevard West
File # 12 142290 WET 06 02



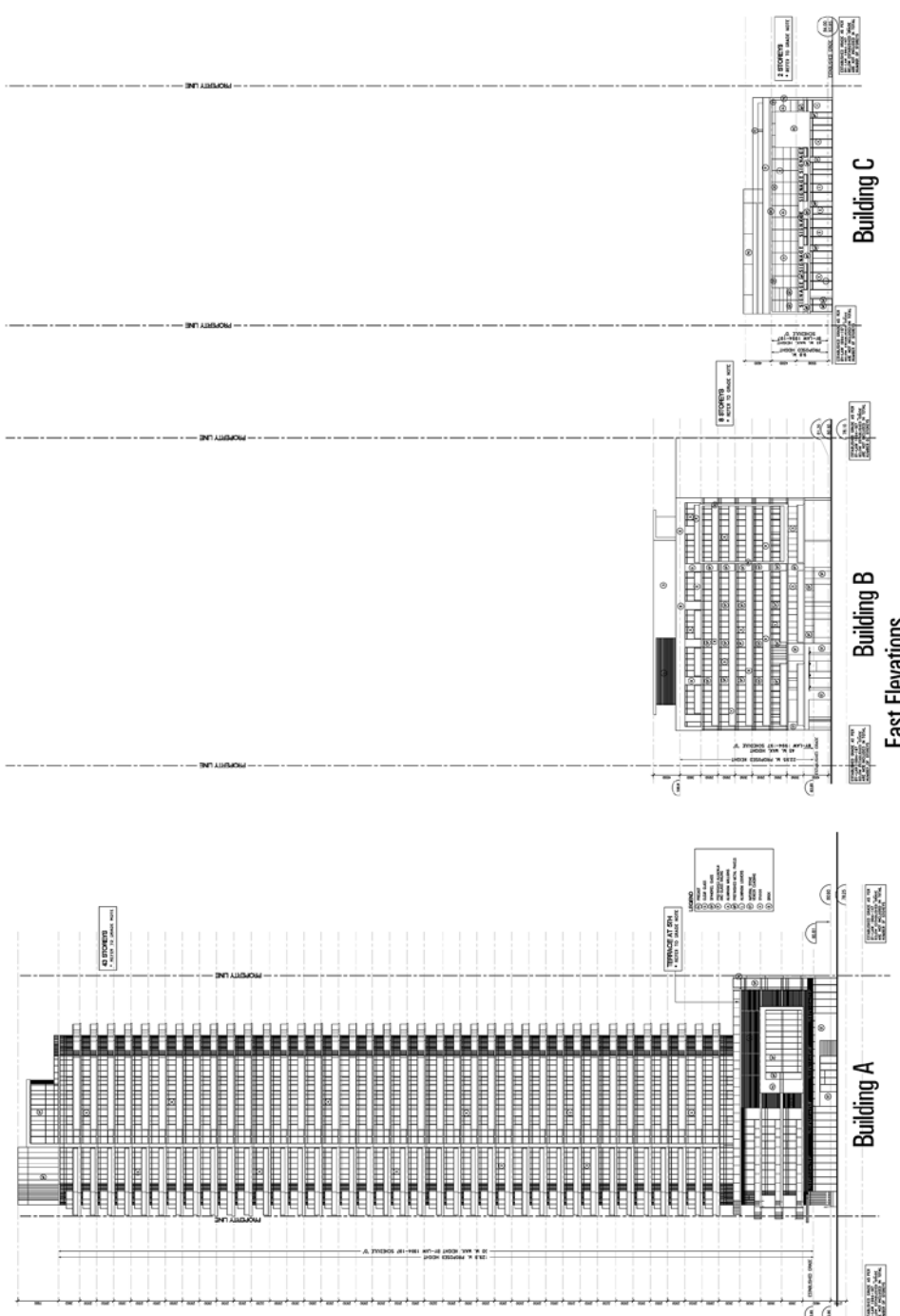
Elevations

Applicant's Submitted Drawing

Not to Scale
09/12/2016

2169-2173 Lake Shore Boulevard West

File # 12 142290 WET 06 02

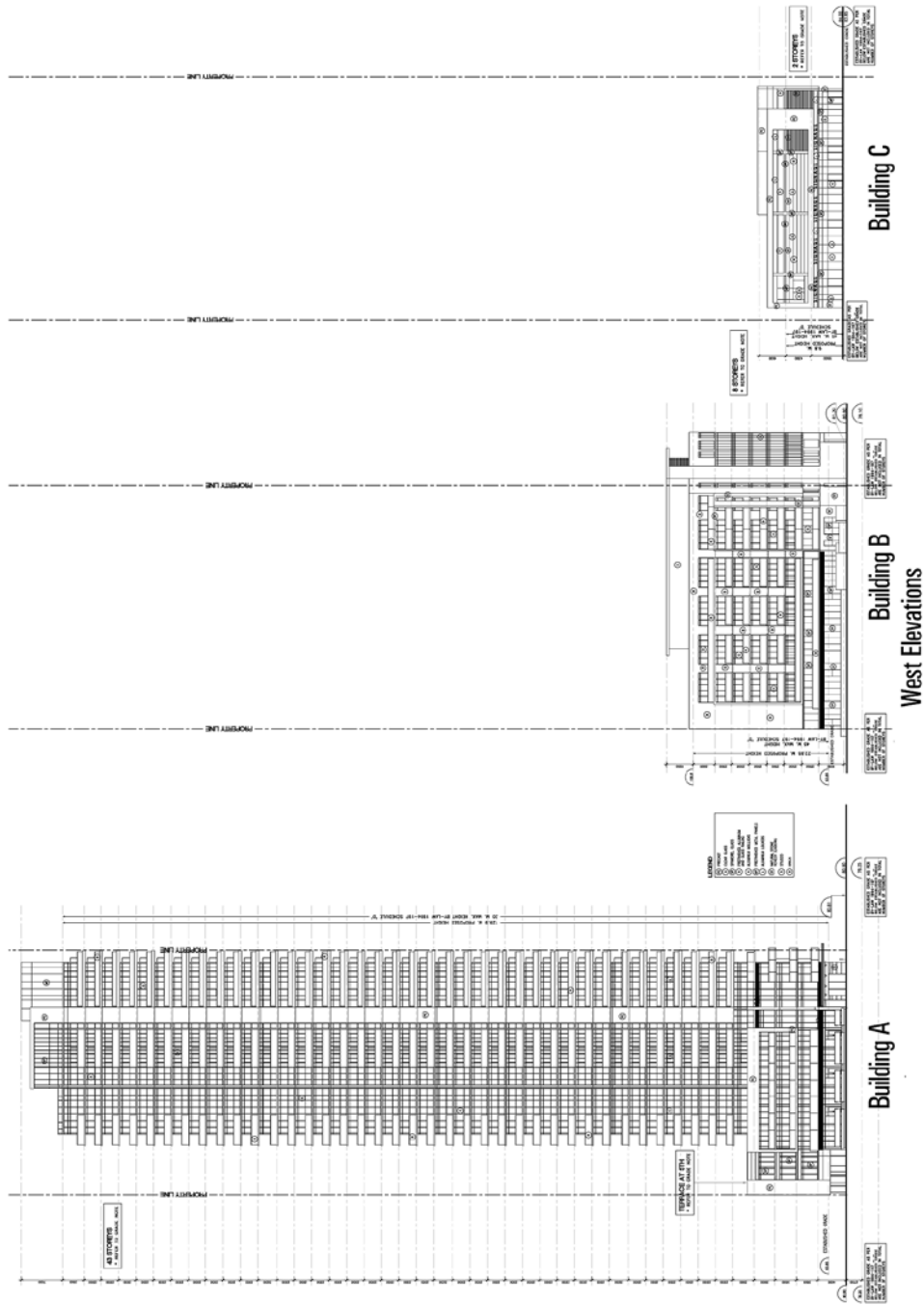


Elevations
2169-2173 Lake Shore Boulevard West
East Elevations

Applicant's Submitted Drawing

Not to Scale
 09/12/2016

File # 12 142290 WET 06 0Z



Elevations 2169-2173 Lake Shore Boulevard West

Applicant's Submitted Drawing

Not to Scale
09/12/2016

File # 12 142290 WET 06 02

Attachment 3: Draft Official Plan Amendment

**AMENDMENT NO. 252
TO THE CITY OF TORONTO OFFICIAL PLAN**

**To adopt Amendment No. 252 to the Official Plan for the City of Toronto
with respect to lands municipally known as 2169-2173 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; 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;

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

1. The attached Amendment No. 252 to the Official Plan is hereby adopted pursuant to the Planning Act, R.S.O. 1990, c.P. 13, as amended.

ENACTED AND PASSED this XXXX day of XXXX, A.D. 2014.

JOHN TORY,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

AMENDMENT NO. 252 TO THE OFFICIAL PLAN
OF THE CITY OF TORONTO
2169-2173 LAKE SHORE BOULEVARD WEST

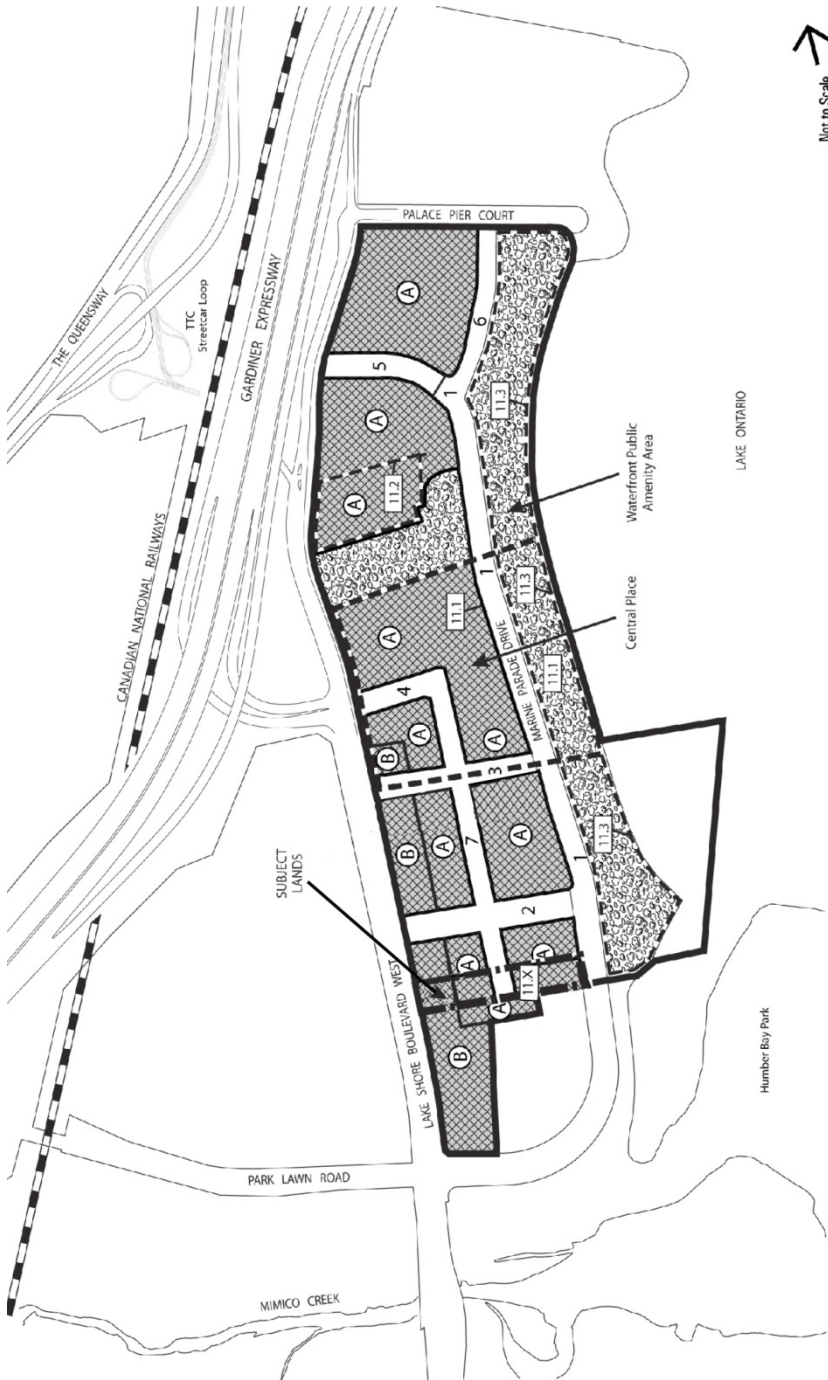
The following text and schedule constitute Amendment No. 252 to the Official Plan for the City of Toronto.

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 X to Sub-Section 11.10 as follows:
 - "X. Notwithstanding Sections 2.4, 3.2, 4.1, 4.2, 7.2, 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 minimum lot frontage of 40 m.
 - ii. A maximum of 540 residential units on the subject lands to be located entirely within Mixed Use Area 'A'.
 - iii. The maximum density within Mixed Use Area 'A' and Mixed Use Area 'B' shall be 3.28 times the gross lot area. The gross lot area of the site is 11,246 m².
 - iv. 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 131.1 metres measured above an elevation of 83.85 m asl.
 - v. The value of cash-in-lieu for park land dedication shall not exceed ten percent of the value of the development site, net of any conveyances for public road, public park, or public recreational purposes.
2. Chapter 6, Section 11, Motel Strip Secondary Plan, Map 11-1 is amended by adding Site and Area Specific Policy 11.X as shown on the attached map.
3. Chapter 6, Section 11, Motel Strip Secondary Plan, Map 11-2 is amended by reducing Internal Road No. 7 from 23 m to 18.5 m as shown on the attached map.

AMENDMENT No. 252 TO THE OFFICIAL PLAN
OF THE CITY OF TORONTO



Motel Strip Secondary Plan
MAP 11-1 Land Use Plan



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

Site and Area Specific Policies 11.X

Attachment 4: Draft Zoning By-law Amendment

Authority: Etobicoke York Community Council Item XXXX, adopted as amended,
by City of Toronto Council on XXXXXXXX, 2017
Enacted by Council: XXXXXX, 2017

CITY OF TORONTO

BY-LAW No. XXXX-2017

To amend Zoning By-law No. 1994-197, as amended, with respect to the lands municipally known as 2169 to 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:

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.

"Indoor Amenity Space" - shall mean indoor space in a building that is communal and is provided for use by occupants of a building and their guests, on the Lands for recreational or social activities.

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

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

"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.

"Outdoor Amenity Space" - shall mean outdoor space on the Lands located at grade or on a landscaped roof of a building that is communal and is provided for the use of occupants of the building and their guests for recreational or social activities.

"Privately-Owned Publicly-Accessible Space" - shall mean a Landscaped Open Space area, as shown on Schedule 'D-2', attached hereto, which is open and accessible to the public at all times.

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-H).
4. Notwithstanding By-law 1994-197, the provisions of Schedule 'C', attached hereto, 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 131.1 metres shown on Schedules 'D' and 'D-2' attached hereto.
- (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 24.5 metres as shown on Schedules 'D' and 'D-2' attached hereto.
- (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 10.5 metres as shown on Schedules 'D' and 'D-2' attached hereto.

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-H):
 - (i) Pedestrian walkways, fencing, underground parking garages, bicycle parking spaces at and below grade.
- (b) On Lands designated Mixed Use (MU-H):
 - (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 permitted to be located within the public right-of-way provided that it does not interfere with a pedestrian walkway.

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-H) on Schedule 'A' 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-H) on Schedule 'A' 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 3.28, 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', attached hereto, 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', attached hereto, Indoor 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', attached hereto, commercial floor space at grade on the MU-H 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-H portion of the Lands shall not exceed 35,200 square metres.
- (g) The non-residential gross floor area of the building erected on the CL-H portion of the Lands shall not exceed 1,620 square metres.
- (h) The combined residential and non-residential gross floor area of the building erected on the Lands shall not exceed 36,820 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, as well as 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 metres of commercial space shall be provided.
- (d) Visitor residential parking and commercial parking may be shared.
- (e) Loading:
Building "A": one space measuring 13.0 metres in length, 4.0 metres in width and a vertical clearance of 6.1 metres;

Building "C": one space measuring 11.0 metres in length, 3.5 metres in width and a vertical clearance of 4.0 metres.

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

The following amenity space requirements shall apply to the Lands:

- (a) A minimum 2.0 square metres for each dwelling unit of Indoor Amenity Space shall be provided;

- (b) A minimum of 2.0 square metres for each dwelling unit of Outdoor Amenity Space shall be provided, of which a minimum of 40 square metres is in a location adjoining or directly accessible to Indoor Amenity Space and of which up to a maximum of 215 square metres of Outdoor Amenity Space shall be provided to meet the Privately-Owned Publicly Accessible Space requirement in Clause 12 of this by-law.

12. Privately-Owned Publicly Accessible Open Space

- (a) A minimum of 970 square metres shall be provided as Privately-Owned Publicly-Accessible Space (POPS), as shown on Schedule 'D-2' attached hereto.

13. 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) 2.0 metres from Marine Parade.
- (ii) 3.0 metres from the future road allowance Street "C".

Building "B" - 8-Storey Building adjacent to Street "C"

- (iii) 3.0 metres from the future road allowance Street "C".

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

- (iv) 2.5 metres from the future road widening along Lake Shore Boulevard West at the ground floor level.
- (v) 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.
- (c) The underground garage is permitted to extend the full extent of Parcel 5 and 30 as identified on Schedule 'B', attached hereto, including below public and private right-of-ways.

14. Where the provisions of this By-law conflict with the provisions of the Etobicoke

Zoning Code, the provisions of this By-law shall apply.

15. 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 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) 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.
- (ii) Notwithstanding the date by which the Owner is required to satisfy any obligation under Section 14 of this By-law, nothing in this By-law shall prevent the Owner from obtaining a permit under the Building Code Act for demolition, shoring and excavation work only.

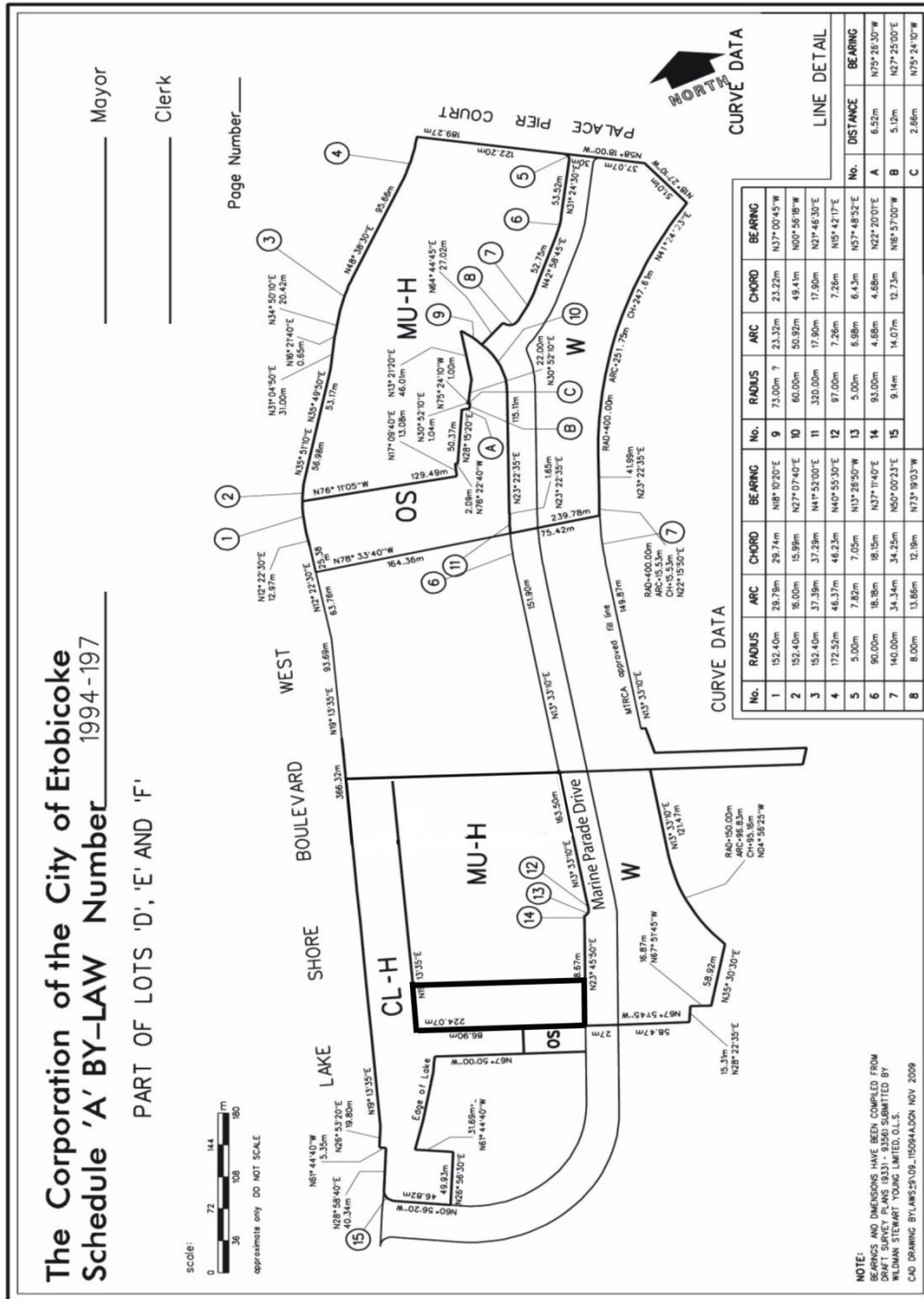
- (iii) In the event the cash contributions referred to in a) above has not been used for the intended purpose within three years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive director 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:
 - (i) The owner shall provide, at its own expense, a minimum area of 970 m² of privately-owned publicly-accessible space (POPS) and public access easements to and over the POPS for members of the public. The public access easements are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances. The owner shall own, operate, maintain and repair the POPS. The owner shall install and maintain a centralized sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 12:01 a.m. 365 days of the year.
 - (ii) 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.
- 16. 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-2017 XXXX, 2017	Lands located on the east side of Lake Shore Boulevard West, just north of Park Lawn Road, municipally known as 2169 to 2173 Lake Shore Boulevard West in the year 2012.	To make modifications to increase the maximum gross floor area and building heights and to reduce right-of-way widths to reflect the Humber Bay Shores Urban Design Guidelines.

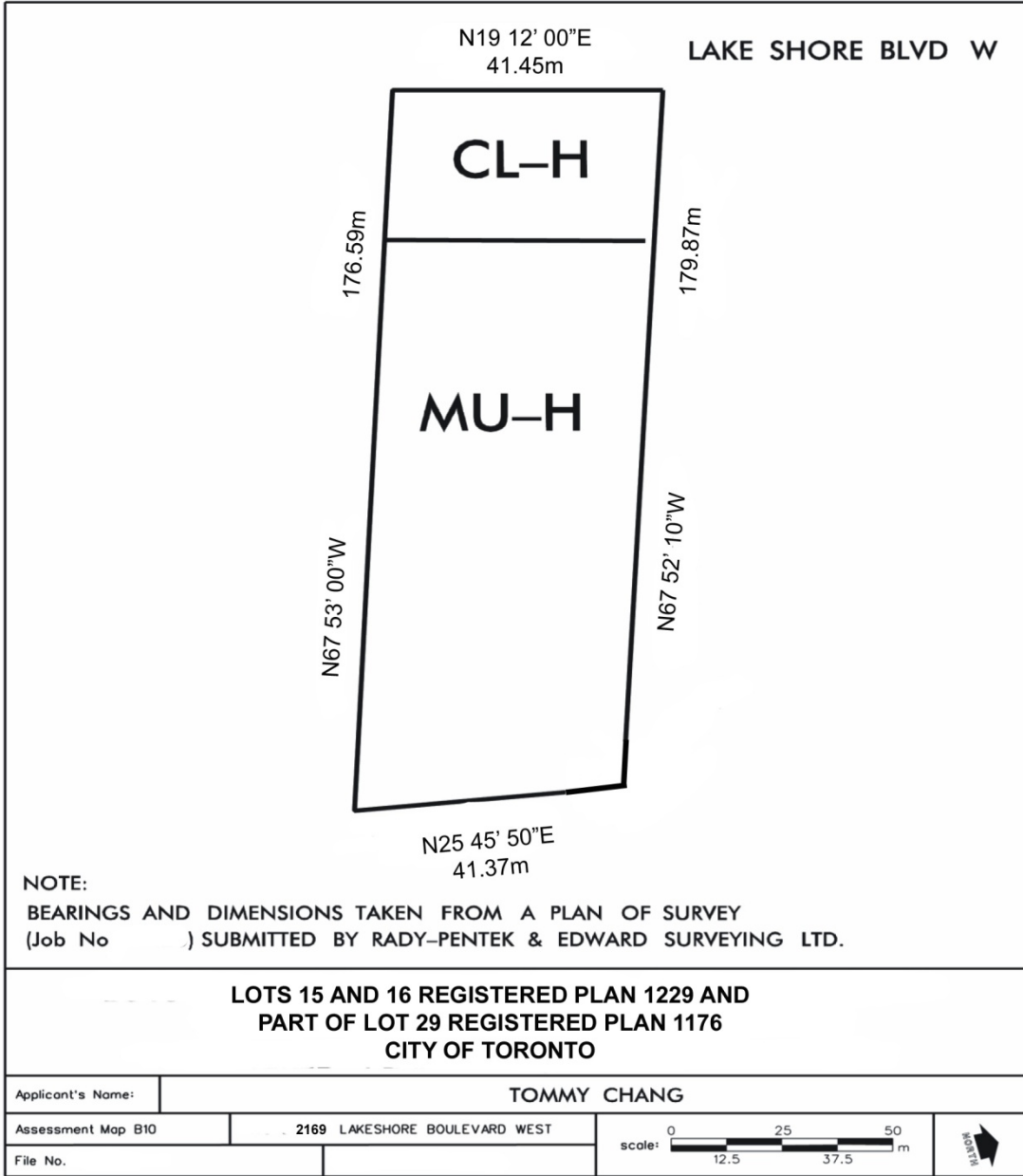
ENACTED AND PASSED this XXXXXXXXX, A.D. 2016.

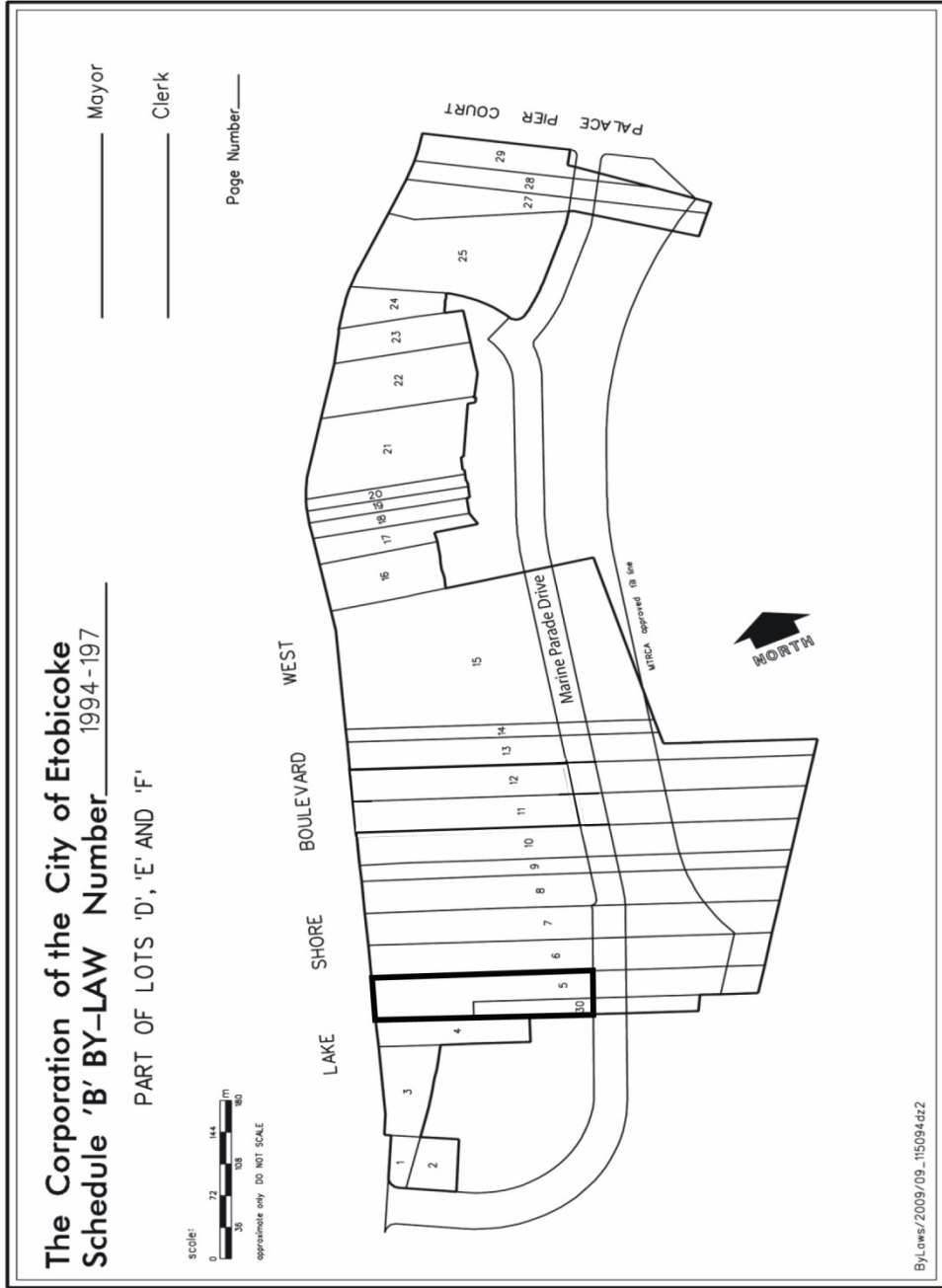
JOHN TORY,
Mayor
(Corporate Seal)

ULLI S. WATKISS
City Clerk



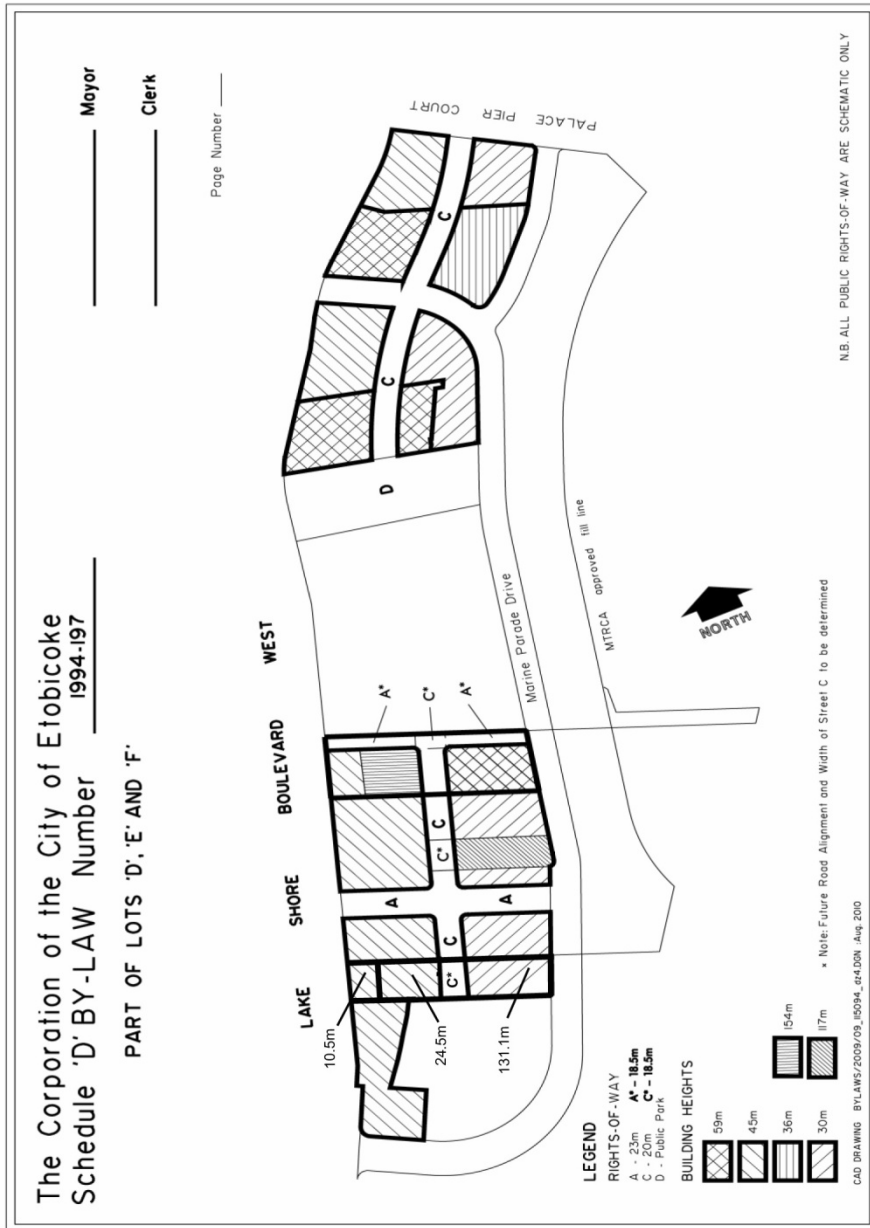
TORONTO Schedule 'A-2' BY-LAW





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	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
TOTAL UNITS			3,462



Toronto Schedule 'D-2' BY-LAW

