

Authority: Toronto and East York Community Council Item [##], as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ###-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 1978 – 2002 Lake Shore Boulevard West

Whereas Council of the City of Toronto has the authority pursuant to 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; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, a by-law under Section 34 of the Planning Act may authorize increases in the density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the 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 owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning

By-law 569-2013, Chapter 800 Definitions.

3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from a zone label of CR 2.0 (c2.0; r1.0) SS2 (x1160) to a zone label of (H) CR 2.0 (c2.0; r1.0) SS2 (x618) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 618 so that it reads:

(618) Exception CR 618

Exception CR 618

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On 1978-2002 Lake Shore Boulevard West, if the requirements of By-law [Clerks to insert By-law ##], including Section 7 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (U) below:
- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 78.80 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law [Clerks to insert By-law ##];
- (D) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** is the number following the letters "ST" as shown on Diagram 3 of By-law [Clerks to insert By-law ##];
 - (i) for the purpose of this exception, a mechanical penthouse does not constitute a **storey**;
- (E) For the purposes of this exception:
 - (i) "Tower 1" means the portion of the **building** identified as HT 115.0 and ST 36 on Diagram 3 of By-law [Clerks to insert By-law ##]; and
 - (ii) "Tower 2" means the portion of the **building** identified as HT 65.0 and ST 20 on Diagram 3 of By-law [Clerks to insert By-law ##];

- (F) Despite Regulations 40.5.40.10(3) to (8) and (C) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law [Clerks to insert By-law ##]:
- (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, elevator overrun and machine room, chimneys, and vents, by a maximum of 7 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, by a maximum of 7 metres;
 - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 2 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 5 metres;
 - (v) planters, landscape features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 5 metres; and
 - (vi) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 5 metres;
- (G) Despite (F) above, only the following may project above the portion of "Tower 2" identified as HT 65.0 or ST 20 on Diagram 3 of By-law [Clerks to insert By-law ##];
- (i) mechanical lift, noise mitigation, window washing equipment, lightning rods, balustrades, cornices, elevator overrun and machine room, guardrails, stair enclosures, vents, chimney, roof access and wind mitigation features, by a maximum of 3 metres;
- (H) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 47,000 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 46,800 square metres;
 - (ii) the required minimum **gross floor area** for non-residential uses is 150 square metres;
- (I) In addition to the **building** elements listed in regulation 40.5.40.40(3), the **gross floor area** of a **mixed use building** and an **apartment building** is also reduced

by the areas in a **building** used to access and store **bicycle parking spaces** in a **building**;

- (J) Despite Regulation 40.10.40.70(2) and 40.10.40.80(2), the required minimum **building setbacks** and separation of **main walls** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law ##];
- (K) Despite Regulation 40.10.40.60 and (J) above, the following elements may encroach into the required minimum **building setbacks** and separation of **main wall** separation distances as follows:
- (i) decks, porches, and balconies, by a maximum of 3 metres;
 - (ii) canopies and awnings, by a maximum of 3 metres;
 - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 3 metres;
 - (iv) cladding on the exterior surface of the **main wall** of a **building**, by a maximum of 1.5 metres;
 - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.5 metres;
 - (vi) window projections, including bay windows and box windows, by a maximum of 3 metres;
 - (vii) eaves, by a maximum of 1.5 metres;
 - (viii) a dormer, by a maximum of 1.5 metres; and
 - (ix) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 3 metres;
- (L) the provision of all **dwelling units** shall be subject to the following:
- (i) a minimum of 30 percent must be two-bedroom **dwelling units**; and
 - (ii) a minimum of 10 percent must be three-bedroom **dwelling units** or larger;
 - (iii) If the calculation of the number of required **dwelling units** pursuant to (i) and (ii) above, results in a number with fraction, the number is rounded down to the nearest whole number;
 - (iv) Despite (i) and (ii) above, the two and three bedroom **dwelling unit** requirements do not apply to the 'affordable housing units' provided in

accordance with Schedule A of By-law [Clerks to insert By-law ##];

- (M) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) a minimum of 0.33 residential occupant **parking spaces** for each **dwelling unit**;
 - (ii) a minimum of 0.06 residential visitor or non-residential **parking spaces** for each **dwelling unit**;
 - (iii) the minimum number of residential occupant **parking spaces** for the affordable housing units required in Schedule A of By-law [Clerks to insert By-law ##] shall be calculated at a rate of 0.1 **parking spaces** per **dwelling unit**;
- (N) Despite (M) above, a minimum rate of 0.1 residential occupant **parking spaces** for each **dwelling unit** applies to the affordable housing units required by Schedule A of By-law [Clerks to insert By-law ##];;
- (O) Despite Regulation 200.5.1.10(2), a maximum of five (5) percent of the total number of **parking spaces** provided on the **lot** may have a minimum width of 2.6 metres, despite being obstructed on one or both sides;
- (P) Despite Regulation 200.5.1.10(2), Electric Vehicle Infrastructure, including electrical vehicle supply equipment, does not constitute an obstruction to **parking space**;
- (Q) Despite (M) above, "car-share parking spaces" may replace **parking spaces** otherwise required for residential occupants, subject to the following:
- (i) a reduction of four resident occupant **parking spaces** will be permitted for each "car-share parking space" provided and that the maximum reduction permitted be capped by the application of the following formula:
 - (a) four multiplied by the total number of **dwelling units** divided by 60, and rounded down to the nearest whole number;
 - (ii) for the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental; and
 - (iii) for the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes;

- (R) Despite Regulation 230.5.1.10(9), "long term" and "short term" **bicycle parking spaces** for **dwelling units** or for non-residential uses may be located anywhere below ground and/or on the ground level of the **building**;
- (S) Despite Regulation 230.5.1.10(10), "short term" **bicycle parking spaces** for **dwelling units** or for non-residential uses may also be located in any combination of vertical, horizontal or stacked configurations;
- (T) Despite Regulation 230.5.1.10(4), **bicycle parking spaces** must comply with the following minimum dimensions:
 - (i) Where the bicycles are to be placed in a vertical position on a wall, **structure** or mechanical device:
 - (a) a minimum length of 1.2 metres;
 - (b) a minimum width of 0.45 metres; and
 - (c) a minimum vertical clearance of 1.9 metres;
 - (ii) Where the bicycles are to be placed in a horizontal position:
 - (a) a minimum length of 1.8 metres;
 - (b) a minimum width of 0.45 metres; and
 - (c) a minimum vertical clearance of 1.9 metres;
 - (iii) Where the bicycles are to be placed in a **stacked bicycle parking space**:
 - (a) a minimum length of 1.8 metres;
 - (b) a minimum width of 0.45 metres; and
 - (c) a minimum vertical clearance of 1.2 metres;
- (U) Despite the Regulation 220.5.10.1, a minimum of one Type "G" **loading space** and one Type "C" **loading space** is required;

Prevailing By-laws and Prevailing Sections:

- (A) Section 12(2)(270(a) of former City of Toronto By-law 438-86.
5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
 6. Section 37 Requirements:
 - (A) Pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted the lands shown on Diagram 2 of By-law [Clerks to supply ##] in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule A hereof and which are secured

by one or more agreements pursuant to Section 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;

- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a **building** permit, the issuance of such permit shall be dependent upon satisfaction of the same;
- (C) The owner shall not use, or permit the use of, a **building** or **structure** erected with an increase in height and density pursuant to this By-law unless all applicable provisions of Schedule A are satisfied; and
- (D) Once the agreement or agreements securing the facilities, services and matters set out in Schedule A have been executed and registered, the provisions of Schedule A shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.

Enacted and passed on [month day,] 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Requirements

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. The owner shall provide and maintain the following
 - (A) Sixty-one (61) new affordable rental dwelling units on the lands at 1978-2002 Lake Shore Boulevard West (the "Affordable Housing Units");
 - (B) The Affordable Housing Units are to be conveyed to Community Affordable Housing Solutions or another non-profit affordable housing provider chosen by the City in its sole discretion (the "Provider") as a stratified freehold parcel;
 - (C) The Affordable Housing Units shall be in accordance with the following:
 - (i) at least one (1) of the Affordable Housing Units shall be a three-bedroom unit with a minimum unit size of 83.1 square metres and an average size of 83.1 square metres;
 - (ii) at least twelve (12) of the affordable rental dwelling units shall be two-bedroom rental units with a minimum unit size of 58.3 square metres and an average size of 63.8 square metres;
 - (iii) no more than sixteen (16) of the Affordable Housing Units shall be one-bedroom rental units with a minimum unit size of 44.8 square metres and an average size of 53.5 square metres;
 - (iv) no more than thirty-two (32) of the Affordable Housing Units shall be studio rental units with a minimum unit size of 30 square metres and an average size of 35.4 square metres;
 - (v) The unit sizes described in recommendations 4.c.i to 4.c.iv may vary by a maximum of three percent (3%), but only as a result of reasonable adjustments which may be required for the purposes of accommodating final structural or mechanical design. All such adjustments must be made to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat;
 - (vi) the Affordable Housing Units shall all be located on one contiguous floor within the podium of the development;

- (vii) the layouts of the Affordable Housing Units shall be to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat;
- (viii) the Affordable Housing Units shall be provided and maintained for a minimum period of ninety-nine (99 years) from the date the units are first occupied (the "Affordability Period");
- (ix) the initial rent (inclusive of utilities) charged to the first tenants of any Affordable Housing Units shall not exceed 100 percent of the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;
- (x) if an Affordable Housing Unit becomes vacant and is re-rented to a new tenant during the Affordability Period, the initial rent (inclusive of utilities) charged to the new tenant shall not exceed 100 percent of the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;
- (xi) after the first year of occupancy of any Affordable Housing Units, the rent (inclusive of utilities) charged to tenants occupying such unit may be escalated annually by not more than the annual provincial rent guideline, regardless of whether such guideline is applicable to the units under the Residential Tenancies Act or any successor legislation governing residential tenancies in Ontario, until the tenancy ends;
- (xii) notwithstanding the annual rent increases permitted in xi. above, the rent (inclusive of utilities) charged to any tenants occupying an Affordable Housing Unit shall not be increased to an amount that exceeds 100 percent of the average rent for the same unit type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;
- (xiii) at least six months in advance of any new Affordable Housing Units being made available for rent to the general public, the Owner shall develop and implement a Tenant Access Plan to ensure units are rented to eligible households in consultation with, and to the satisfaction of the Executive Director, Housing Secretariat;
- (xiv) the new Affordable Housing Units shall be made ready and available for occupancy no later than the date by which seventy (70) percent of the new market dwelling units are available and ready for occupancy, or to the

satisfaction of, the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat;

- (xv) the Owner shall provide all tenants of the affordable rental dwelling units with access to, and use of, all indoor and outdoor amenities in the building in which such tenant resides at no extra charge;
 - (xvi) access to, and use of, these amenities shall be provided on the same terms and conditions as any other resident of the building in which the Affordable Housing Units are located, without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings;
 - (xvii) the Owner shall provide all tenants of the Affordable Housing Units with laundry facilities on the same basis as other units within building in which the Affordable Housing Units are located at no extra charge; and
 - (xviii) the Owner shall provide all tenants of the Affordable Housing Units with air conditioning facilities on the same basis as other units within building in which the Affordable Housing Units are located at no extra charge; and
 - (xix) the Owner shall provide all tenants of the Affordable Housing Units with access to permanent and visitor bicycle parking/bicycle lockers on the same terms and conditions as any other resident of the building in which the Affordable Housing Units are located, and in accordance with the Zoning By-law.
- (D) The Owner shall enter into an agreement with the Provider and the City, being the municipal housing project facility agreement (the "Contribution Agreement") referenced in Part 8, no later than 180 days after Zoning By-law Amendment(s) permitting the Development becomes final and binding or within such longer period of time as the City and the Owner may agree to, but in any case before Development Charges for the Affordable Housing Units would otherwise be due;
- (E) The Owner shall enter into an agreement of purchase and sale ("APS") for the conveyance of the Affordable Housing Units to the Provider and the City (with the City as a contingent transferee) at the discounted maximum total purchase price of \$17,019,896 prior to the issuance of the first above grade building permit for the development, which APS shall be subject to the following terms:
- (i) the APS shall be assignable by the City of Toronto to another Provider at the City of Toronto's sole discretion; and
 - (ii) the City of Toronto shall not be liable to pay any deposit penalty, or liquidated damages to the Owner or the Provider in the event the City

terminates the APS for any reason, including failure of the Provider to close on the transaction, a lack of funding to complete the transaction, or the City being unsuccessful in identifying an alternate Provider;

- (F) The Owner and the Provider will enter into a shared facilities agreement for 99 years, on the following terms:
- (i) the shared facilities agreement will allocate costs proportionately based on each party's actual share of the shared facilities;
 - (ii) the Owner shall discount 50% of the Provider's share of the shared facilities costs under the shared facilities agreement for 99 years;
 - (iii) the Owner (including any condominium corporation or other assignee) shall not have the right to unilaterally amend the shared facilities agreement, nor shall the shared facilities agreement be amended to directly or indirectly increase the share of costs that the Provider is responsible for paying under the shared facilities agreement for the 99 year term; and
 - (iv) the shared facilities agreement shall otherwise be on commercially reasonable terms.

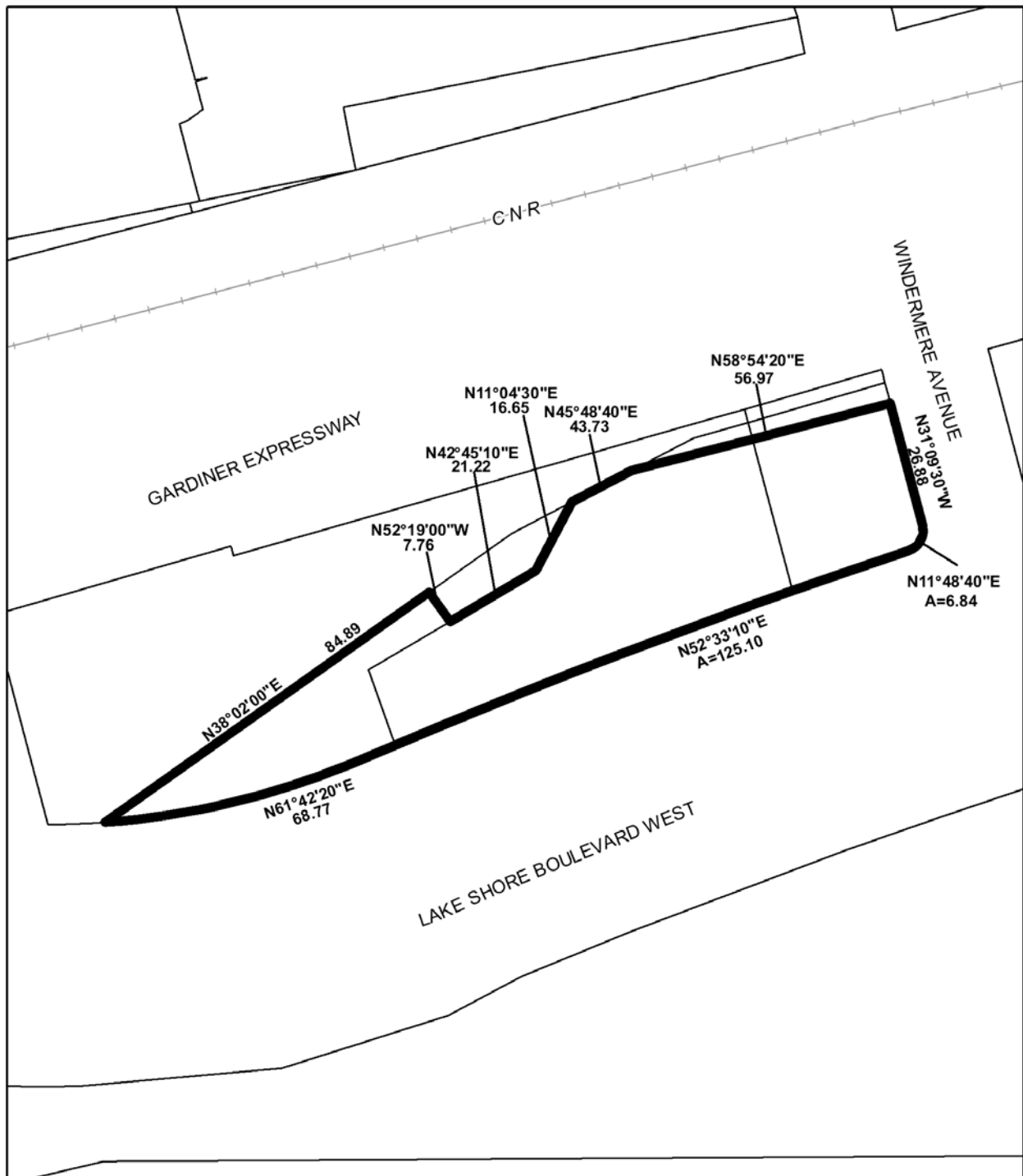
2. The owner shall provide the following to support the development of the lands

- (A) The Owner shall provide a minimum of 10 percent of all new units in the proposed development as three-bedroom units;
- (B) The Owner shall provide a minimum of 30 percent of all new units in the proposed development as two-bedroom units;
- (C) Despite (A) and (B) above, the two and three bedroom **dwelling unit** requirements do not apply to the affordable rental dwelling units required in Schedule A;
- (D) A privately owned publicly accessible open space (POPS) of approximately 200 square metres along Lake Shore Boulevard West and Windermere Avenue, whereby as a pre-approval condition to Site Plan Approval for the development, the Owner shall convey to the City, for nominal consideration, easement(s) along the surface of the lands, to the satisfaction of the City Solicitor, which shall constitute the POPS and any required public access easements to connect the POPS to adjacent POPS and/or public rights-of-way, where necessary; and the Owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the POPS at all times of the day and night, 365 days of the year; and the specific location, configuration and design of the POPS shall be determined in the

context of a site plan approval, including retail/commercial spill out uses on terms and conditions satisfactory to the Chief Planner and Executive Director, City Planning, pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City:

- (E) The Owner will construct and maintain the Development Site in accordance with Tier 1, Toronto Green Standard, and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the Development Site;
- (F) The location of the amenity space will be determined through the Site Plan Approval process to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (G) Implementation of all recommended mitigation measures included in all reports, studies, and plans submitted by the Owner, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the appropriate City official;
- (H) The Owner shall submit a comprehensive Construction Management Plan for each stage of the construction process, to the satisfaction of the General Manager, Transportation Services, the Chief Building Official and Executive Director, Toronto Building and the Ward Councillor. The Construction Management Plan will include, but not be limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the General Manager, Transportation Services, in consultation with the Ward Councillor.
- (I) The Owner shall submit financial contributions/payments in the form of a letter of credit or certified cheques, indexed upwards in accordance with the Construction Price Index from the date of the Section 37 Agreement and/or provide additional documentation for the implementation of a Transportation Demand Management (TDM) plan. These provisions include, but are not limited to:
 - (i) A payment of \$50,000 for bike-share station implementation on-site or in the area surrounding the subject site;
 - (ii) A minimum of three (3) car-share spaces on-site;
 - (iii) One (1) car-share and/or bike-share membership per unit, offered for the first year of occupancy; and

- (iv) A minimum of one (1) bike repair station/area provided on-site



 **Toronto**
Diagram 1

1978-2002 Lake Shore Boulevard West

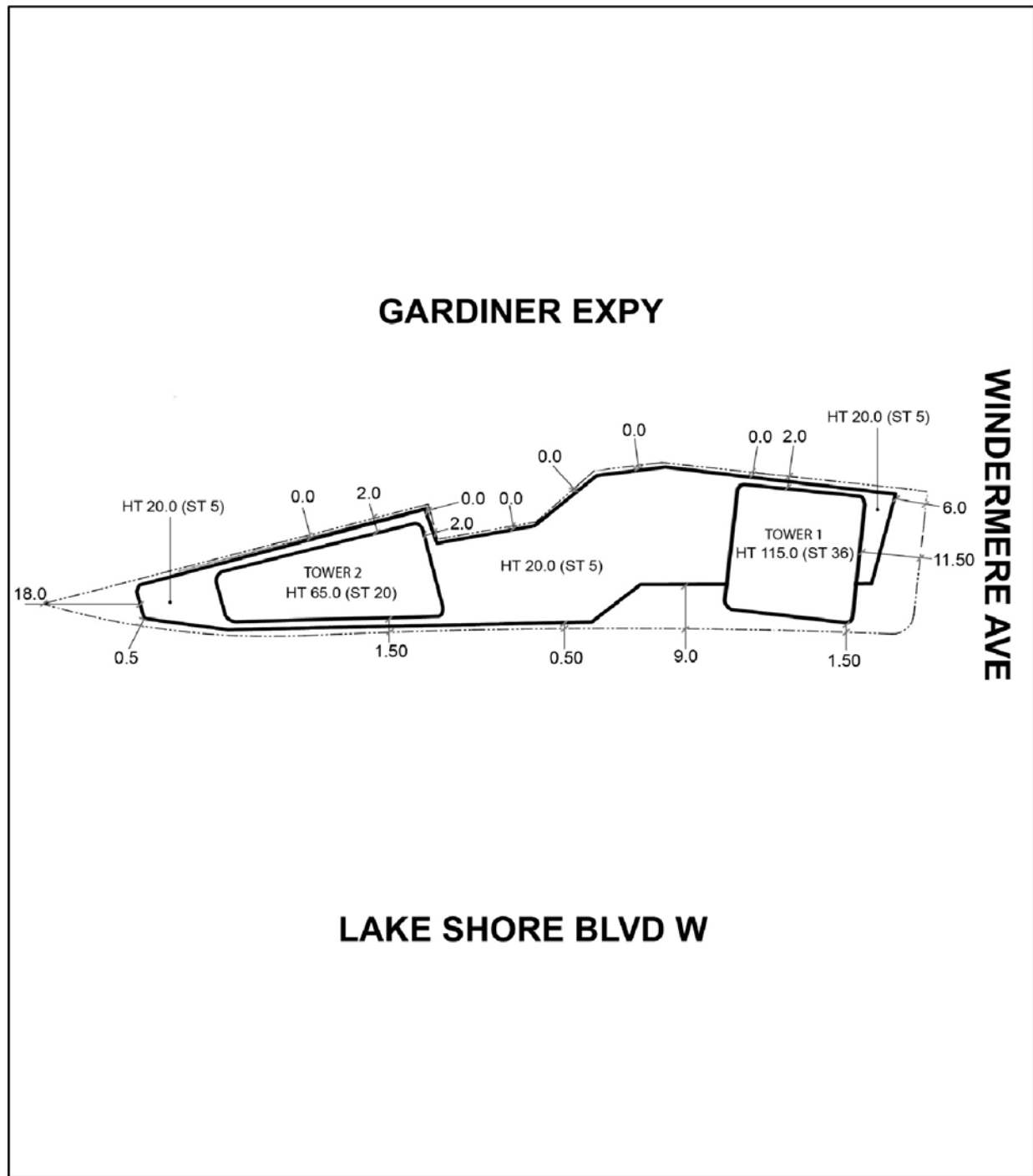
File #: 17 278471 WET 13 0Z



 **TORONTO**
Diagram 2

1978-2002 Lake Shore Boulevard West

File #: 17 278471 WET 13 02



Toronto
Diagram 3

1978-2002 Lake Shore Boulevard West

File #: 17 278471 WET 13 0Z