

**42 Park Lawn Road - Zoning By-law Amendment
Application – Final Report**

Date:	December 4, 2013
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 6 – Etobicoke-Lakeshore
Reference Number:	11 205554 WET 06 OZ

SUMMARY

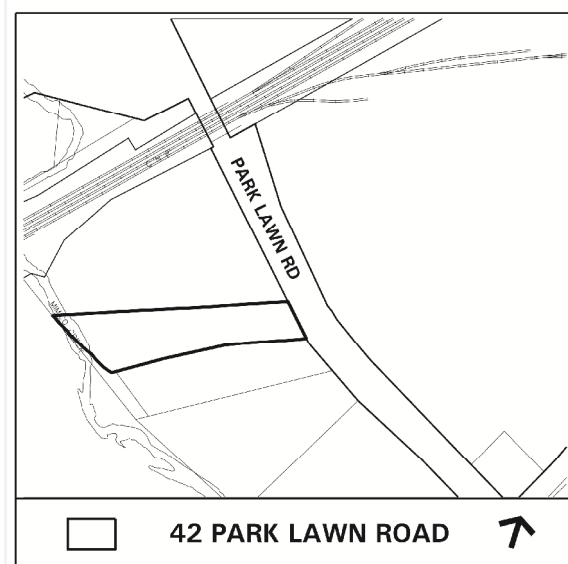
This application proposes to amend, subject to a Holding (H) Symbol, the former City of Etobicoke Zoning Code to permit the development of a mixed use proposal at 42 Park Lawn Road consisting of a 41 storey residential building containing 321 units and having a height of 127 m and a two storey commercial building that would front Park Lawn Road. The rear of the site abuts the Mimico Creek valley and the lands would be transferred to the Toronto and Region Conservation Authority to be renaturalized and developed with a public trail system.

The proposal is consistent with the Provincial Policy Statement's policies regarding intensification in a manner that implements the City's Official Plan. The proposal is also consistent with the policies of the Official Plan.

This report reviews and recommends approval of the application subject to a Holding (H) Symbol.

RECOMMENDATIONS

The City Planning Division recommends that:



1. City Council amend the former City of Etobicoke Zoning Code for the lands at 42 Park Lawn Road substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment 5 to this report subject to a Holding (H) Symbol in accordance with the provisions of Section 36 of the *Planning Act*, R.S.O. c.P.13, as amended, which Holding (H) Symbol will be removed from the lands upon satisfactory completion of the following:

For those lands shown as R6(H) on Schedule "A" of Attachment 5 of this report;

- i. The owner shall convey to the Toronto and Region Conservation Authority (TRCA) for a nominal sum, lands located west of the 10 metre Top-of-Bank Setback line including the valley lands adjacent to Mimico Creek, as shown on Schedule "A" to the Zoning By-law, for the purposes of natural heritage protection and the provision of a trail system and which shall be subject to a Temporary Construction Easement permitting the use of the easterly 10 metres of the conveyed lands for construction purposes until substantial completion of the development.
- ii. The owner shall:
 - a) Provide a cost estimate for the construction of the trail, associated planting and any re-grading including the removal of an existing retaining wall required to tie the trail into the adjacent properties to the satisfaction of the City of Toronto and the TRCA;
 - b) Provide a Ravine Stewardship Plan to the satisfaction of the City of Toronto, Urban Forestry, Ravine and Natural Feature Protection and the TRCA;
 - c) Provide payment in full to the TRCA for the cost of all works identified in a) and b) above, plus three years of estimated cost increase based on the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in construction Price Statistics Publication No. 62-007-XPB in effect on the date of payment; and
 - d) Prepare an Erosion and Sediment Control Plan to the satisfaction of the TRCA.
- iii. The owner shall convey to the City of Toronto the land identified for road widening purposes along Park Lawn Road.
- iv. Make a financial contribution of \$90,500 toward the road and signal improvements that the City will undertake on Park Lawn Road to increase traffic capacity in the area.

- v. Make a financial contribution of \$64,460, not including service connection, toward the sanitary sewer upgrade along Park Lawn Road to accommodate the ultimate build out of the entire service area for the Park Lawn Road Sanitary Sewer.
 - vi. Revise the Site Servicing Report and re-submit to the Executive Director, Engineering and Construction Services for review and acceptance.
 - vii. Make satisfactory arrangements with the Executive Director, Engineering and Construction Services for the construction of the sanitary sewer upgrades required to accommodate the development, including an option of making satisfactory arrangements with the Humber Bay Shores Landowners Group for payment of its proportionate share of the cost of the sanitary sewer upgrades along Marine Parade Drive and Lake Shore Boulevard West. This condition can only be satisfied once the Humber Bay Shores Core Infrastructure Agreement is signed and registered on title.
 - viii. Submit a copy of the registered 'Easement and Cooperation Agreement' among the owners of the Park Lawn Block properties regarding the joint use driveway to the City for review and acceptance.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendment as may be required.
3. 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* as follows:
 - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. A contribution of \$500,000 towards improvements to the Mimico Creek Trail.
 - ii. A contribution of \$21,700 towards construction of a pedestrian bridge on the Mimico Creek Trail.
 - b. Require that the cash amounts identified in a. i. and ii. above shall be indexed annually in accordance with the Non-Residential Construction Price Index for

the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City.

- c. In the event the cash contributions referred to in a. i. and ii. have 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.
- d. The following matter 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 Tier 1 performance measures of the Toronto Green Standard, as adopted Toronto City Council at its meeting of October 26 and 27, 2009.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

This site is one of four properties referred to as the Park Lawn Block ("Block"). The Block consists of 60-80 Park Lawn Road, 42 Park Lawn Road, 36 Park Lawn Road and 2200 Lake Shore Boulevard West and 10 Park Lawn Road.

In 2005, applications for Official Plan and Zoning By-law Amendments were submitted for two of the properties in the Block (2200 Lake Shore Boulevard West and 10 Park Lawn Road and 60-80 Park Lawn Road) to redesignate the properties from *Employment Areas* to *Mixed Use Areas* and to rezone them from I.C1- Industrial to CL- Limited Commercial and R6- Residential. These applications were appealed to the Ontario Municipal Board (OMB) citing Council's lack of decision within the timeframe established by the *Planning Act*.

During the OMB proceedings, the owners of 36 Park Lawn Road and 42 Park Lawn Road became parties to the hearing and requested that the OMB modify the proposed Official Plan Amendment to enable the Block to be treated as a whole thereby providing a consistent land use designation across all four properties.

OMB Decision 2919, dated October 18, 2006, redesignated the lands from *Employment Areas* to *Mixed Use Areas* for the entire Block. The OMB further created Site and Area Specific Policy No. 303 which was consolidated into the City's Official Plan in 2012 by By-law 1179-2010. Site and Area Specific Policy No. 303 provides for a maximum of

2,194 residential units on the Block. Since both 36 and 42 Park Lawn Road did not have development applications at the time of the OMB hearing, it was the decision of the OMB and included in Site and Area Specific Policy No. 303 that should redevelopment occur on these sites in the future, the appropriate Zoning By-law Amendment and Site Plan applications would need to be submitted to implement the *Mixed Use Areas* permissions of the Official Plan.

A Preliminary Report on this application was before Etobicoke York Community Council (EYCC) on September 12, 2011 directing Planning staff to schedule a community consultation meeting. The decision of EYCC can be found at- <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.EY9.10>

City Council at its meeting of May 8, 2013 approved Official Plan and Zoning By-law Amendments for 10 Park Lawn Road. The OPA increased the maximum number of units permitted on the Block from 2,194 to 2,510. This decision has been appealed to the Ontario Municipal Board by the Humber Bay Shores Landowners Group.

ISSUE BACKGROUND

Proposal

The application proposes a mixed use development that includes a 41 storey residential tower and a 2 storey commercial building fronting Park Lawn Road. The residential tower would be approximately 127 m in height and contain 321 residential units. The tower would be positioned in the middle of the site, setback from both the Mimico Creek Valley and Park Lawn Road. The proposed development would have a total gross floor area of 33,090 m², comprised of 32,360 m² of residential gross floor area and 730 m² of commercial gross floor area. Indoor amenity areas are proposed on the ground and second floors of the residential tower (see Attachment 1: Site Plan).

A two storey commercial building of 730 m² is proposed along the Park Lawn Road frontage. Together with the commercial buildings of other developments along Park Lawn Road, this building would form a continuous commercial street frontage along Park Lawn Road.

Vehicular access would be provided from an internal private driveway that extends through all the properties in the Block. When complete, the internal driveway system would extend through the Block with access points in the north (88 Park Lawn Road) and a signalized intersection to the south (2200 Lake Shore Boulevard West). This signalized intersection and driveway network was part of the overall transportation plan considered by the Ontario Municipal Board through its approval of residential uses on the Block.

A total of 358 parking spaces would be provided in four levels of underground parking. Approximately 49 spaces would be for visitors which would be located at grade and the

first underground level. Approximately 249 bicycle parking spaces would be provided for residents and visitors both at grade and on the first underground level.

The Application Data Sheet in Attachment 6 provides additional information on the proposal.

Site and Surrounding Area

The site is located on the west side of Park Lawn Road, south of the Gardiner Expressway and north of Lake Shore Boulevard West. The site has an area of approximately 0.66 ha with approximately 34 m frontage on Park Lawn Road. The site is generally flat but drops substantially in grade at the rear of the property adjacent to the Mimico Creek Valley. A retaining wall marks the break in the property from the flat surface to the slope towards the creek. The site is currently vacant but was previously developed with a commercial building occupied by a bakery.

The site is located in the larger Block that contains a number of high rise residential developments on the west side of Park Lawn Road between Lake Shore Boulevard West and the Gardiner Expressway. Land uses surrounding the site are as follows:

North: Two residential towers of 27 and 31 storeys containing 588 units and a commercial building along the Park Lawn Road frontage.

East: Across Park Lawn Road is the Mondelez property, referred to as the Mr. Christie's site, its parking and loading areas. There is a small commercial building containing a bank on the northwest corner of Park Lawn Road and Lake Shore Boulevard West.

West: The Mimico Creek Valley system abuts the property. Further west, across the valley is a residential development containing three towers of 27, 36 and 44 storeys.

South: Currently under construction, a mixed use development containing a 36 storey residential tower with 345 units and a commercial building fronting Park Lawn Road (36 Park Lawn Road). Further south is a recently approved mixed use development with a 45 storey residential building with 523 units and a commercial building fronting Park Lawn Road (10 Park Lawn Road) as well as three residential towers of 37, 44 and 48 storeys in a mixed use development (2200 Lake Shore Boulevard West).

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting

public health and safety. 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

Map 15 – Land Use Plan of the Official Plan designates the majority of the site *Mixed Use Areas*. *Mixed Use Areas* are comprised 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 and open space uses that will meet the needs of the local community.

Map 15 – Land Use Plan of the Official Plan also designates a portion of the site *Natural Areas*.

Site and Area Specific Policy No. 303 applies to the Block and provides specific planning policies for developing the Block, which includes a combination of residential and commercial uses. The number of residential units permitted in the Block was recently increased in conjunction with an application for redevelopment at 10 Park Lawn Road and is now capped at 2,510 units.

Map 9 – Natural Heritage of the Official Plan identifies a part of the site to be in a Natural Heritage System. Development is generally not permitted in the Natural Heritage System. Where the underlying land use designation provides for development in or near the Natural Heritage System, development will recognize natural heritage values and potential impacts on the natural ecosystem.

Zoning

The site is zoned Industrial Class 1 Industrial (I.C1) in the former City of Etobicoke Zoning Code. The I.C1 zone permits manufacturing, vehicle related uses, education and research, institutional and storage and warehousing uses.

At its meeting of May 8, 2013 City Council adopted a new, harmonized Zoning By-law for the City of Toronto. By-law 569-2013 has been appealed and is now before the Ontario Municipal Board. No hearing dates have been set. This property is not subject to the new Zoning By-law as a complete application had been submitted prior to the enactment of the new Zoning By-law.

Site Plan Control

The proposed development is subject to site plan control. An application for Site Plan Control approval has not been submitted to date.

Toronto and Region Conservation Authority

The west portion of the site falls within an area regulated by the Toronto and Region Conservation Authority (TRCA) under O.Reg.166/06. A permit is required from the TRCA for any development or site alteration within the regulated area. Based on an agreed top of bank line adjacent to the Mimico Creek, the rear portion of the property will be conveyed to the TRCA, which is consistent with previously conveyed lands from the other development proposals within the Block. Within this conveyed area a 3m wide trail will be developed.

Western Portion – Ravine Control

The western portion of the property is located adjacent to the Mimico Creek Valley. The area is subject to the provisions of the City of Toronto Municipal Code Chapter 658- Ravine Protection. Any developments within designated ravine and natural protection areas may require a permit from Urban Forestry Services.

Reasons for Application

A rezoning application is required as the current I.C1 zone of the former City of Etobicoke Zoning Code does not permit the proposed residential and commercial uses of the mixed use development. It is also required to establish appropriate development standards for these lands.

Community Consultation

A community consultation meeting was held on November 8, 2011 and was attended by 10 area residents. Issues raised at the meeting and submitted on comment sheets distributed at the meeting include:

1. Concerns about access and additional traffic onto Park Lawn Road and that Park Lawn Road could not accommodate the additional traffic; and
2. Concerns with the trail development along the Mimico Creek Valley and impacts on the creek system resulting from additional people using the trail.

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 Provincial Policy Statement. As an infill proposal, the application supports the policy objectives of focusing growth in an existing settlement area (intensification) and thereby promoting the efficient use of land, reducing land consumption and utilizing existing services and infrastructure.

Council's decisions are required to be consistent with the Growth Plan for the Greater Golden Horseshoe. The proposal conforms and does not conflict with the Growth Plan. 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 within a built-up area, and the proposal is intensifying the use of the land for housing, the proposal is consistent with the Growth Plan.

Land Use

The site is designated *Mixed Use Areas* in the Official Plan. Planning staff are of the opinion the development proposal conforms with the intent of the *Mixed Use Areas* designation and its development criteria. The tall building use of the land is appropriate as it would be compatible with the surrounding planned context and built form. The proposed development would have access to parks and trails. The commercial building fronting Park Lawn Road would provide an adequate buffer and transition between the existing industrial property to the east and residential uses to the west. Additionally, the proposal would support the vision of increasing commercial and retail uses for area residents along Park Lawn Road.

A Holding (H) Symbol should be applied to the residential portion of the property to ensure that prior to construction of the residential and commercial buildings, the following matters are satisfied:

1. The owner shall convey to the Toronto and Region Conservation Authority (TRCA) for a nominal sum, lands located west of the 10 metre Top-of-Bank Setback line including the valley lands adjacent to Mimico Creek, as shown on Schedule "A" to the Zoning By-law, for the purposes of natural heritage protection and the provision of a trail system and which shall be subject to a Temporary Construction Easement permitting the use of the easterly 10 metres of the conveyed lands for construction purposes until substantial completion of the development.
2. The owner shall:
 - a) Provide a cost estimate for the construction of the trail, associated planting and any re-grading including the removal of an existing

retaining wall required to tie the trail into the adjacent properties to the satisfaction of the City of Toronto and TRCA;

- b) Provide a Ravine Stewardship Plan to the satisfaction of the City of Toronto, Urban Forestry, Ravine and Natural Feature Protection and the TRCA;
 - c) Provide payment in full to the TRCA for the cost of all works identified in a) and b) above , plus three years of estimated cost increase based on the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in construction Price Statistics Publication No. 62-007-XPB in effect on the date of payment; and
 - d) Prepare an Erosion and Sediment Control Plan to the satisfaction of the TRCA.
3. The owner shall convey to the City of Toronto the land identified for road widening purposes along Park Lawn Road.
 4. Make a financial contribution of \$90,500 toward the road and signal improvements that the City will undertake on Park Lawn Road to increase traffic capacity in the area.
 5. Make a financial contribution of \$64,460, not including service connection, toward the sanitary sewer upgrade along Park Lawn Road to accommodate the ultimate build out of the entire service area for the Park Lawn Road Sanitary Sewer.
 6. Revise the Site Servicing Report and re-submit to the Executive Director, Engineering and Construction Services for review and acceptance.
 7. Make satisfactory arrangements with the Executive Director, Engineering and Construction Services for the construction of the sanitary sewer upgrades required to accommodate the development, including an option of making satisfactory arrangements with the Humber Bay Shores Landowners Group for payment of its proportionate share of the cost of the sanitary sewer upgrades along Marine Parade Drive and Lake Shore Boulevard West. This condition can only be satisfied once the Humber Bay Shores Core Infrastructure Agreement is signed and registered on title.
 8. Submit a copy of the registered 'Easement and Cooperation Agreement' among the owners of the Park Lawn Block properties regarding the joint use driveway to the City for review and acceptance.

The Holding (H) Symbol would be lifted only when the applicant has satisfied the conditions.

Density, Height and Massing

Redevelopment in *Mixed Use Areas* should demonstrate an appropriate built form and provide transition in terms of height, density and urban design to ensure the general amenity of the existing area is not negatively affected. Factors to be considered include light, shadow, views, privacy, traffic and parking, among other matters. New development should also frame existing streets, provide an entrance that is visible and accessible from the street, and minimize the impact of parking, service areas, access roads, wind and shadows on future residents of the proposed development and its neighbours.

At 41 storeys in height, the proposal would fit with the scale of taller residential buildings built and approved within the Block. The design of the tower having a slender profile facing Park Lawn Road, would add to the consistent, high-quality design of buildings in the area and contribute to supporting a diversity of building forms.

The floor plate of the tower portion would be no more than 750 m² and would integrate with a 2 storey base building. The building would step back at the 35th and 40th floors. The size of the proposed floor plate would meet the City's Tall Building Guidelines.

The proposed height and the total of 321 residential units is consistent with other residential developments approved in the immediate area of the subject property. The application proposes that the building mass be located away from the newly created trail system and the Mimico Creek Valley. There is significant separation from the Mimico Creek Valley system as the rear 61 m on the north side and 42 m on the south side of the property are to be conveyed to the TRCA. Further, an 8.5 m setback is proposed from the 2 storey base of the building to the 10 m Top of Bank Line on the west side of the property.

The separation distance between the proposed tower and the tower faces at 88 Park Lawn Road would be 39 m to the easterly tower and 32 m to the westerly tower. There would also be a 25 m separation to the tower to the south at 36 Park Lawn Road. These distances would meet the City's Tall Buildings Guidelines of a minimum of 25 m for tower separation.

The massing of the tower would meet the City's Tall Building Guidelines with respect to floor plate size, spatial separation and allows for greater sky views from the public realm and street level.

Sun/Shadow

Policies 4.5.2(d) and (e) of the Official Plan require tall buildings to minimize the negative impact of shadows on adjacent *Neighbourhoods* and locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

The applicant submitted a Shadow Analysis that indicates the proposed 41 storey building would introduce additional shadow impact on the neighbouring properties designated *Mixed Use Areas* and *Natural Areas*. The approved residential development at 36 Park Lawn Road would also cast a shadow similar in length and time as the proposed development.

During the March 21/September 21 condition, shadows cast by the subject building would be contained within the shadows of other buildings in the Block, particularly shadows from 36 Park Lawn Road. The proposed 41-storey building at 42 Park Lawn Road would cast additional shadow on the easterly building at 88 Park Lawn Road from 11:18 a.m. to 1:18 p.m. and from 2:18 p.m. to 6:18 p.m. on the adjacent Mr Christie's site.

During the June 21 condition, the proposed building would cast a shadow onto a small section of the *Natural Areas* to the west at 9:18 a.m. The proposed building at 42 Park Lawn Road would cast new shadows on the westerly building at 88 Park Lawn Road between 9:18 a.m. and 11:18 a.m. From 4:18 p.m. to 5:18 p.m. the shadow would generally be on Park Lawn Road and on a small portion of the Mr. Christie's site.

Staff are of the opinion the shadow impacts on the *Natural Areas* to the west along the Mimico Creek Valley and on the other land uses to the north and east would be acceptable.

Traffic Impact, Access and Parking

The applicant submitted a Traffic Impact Study (TIS) in support of the application. A review of this study by Transportation Services staff indicates that the surrounding road network appears capable of accommodating the forecast volume of traffic to be generated by this development subject to a number of proposed improvements to Park Lawn Road being made. It is anticipated that improvements to Park Lawn Road, to increase capacity at Lake Shore Boulevard West and the installation of a new traffic signal on Park Lawn Road will be undertaken in 2014. The applicant is required to make a proportionate financial contribution of \$90,500 to secure construction of these improvements as reflected in Recommendation 4 of this report. To secure the 36 m road allowance width specified for this section of Park Lawn Road, the applicant is required to convey to the City a strip of land across the Park land Road frontage varying in width from 2 m at the north limit to .20 m on the south limit.

Transportation Services staff have reviewed the proposed parking standards and recommend the following minimum ratios:

- Bachelor dwelling units: 0.80 spaces per dwelling unit;
- One bedroom dwelling units: 0.90 spaces per dwelling unit;
- Two bedroom dwelling units: 1.00 space per dwelling unit;
- Three or more bedroom dwelling units: 1.20 spaces per dwelling unit; and
- Residential visitor parking: 0.15 spaces per dwelling unit.

The parking requirements have been included in the Draft Zoning By-law, presented in Attachment 5 of this report.

The site would be accessed by an internal driveway system shared by all developments in the Block as there is no direct driveway access to Park Lawn Road. This driveway would access Park Lawn Road by means of a future signalized intersection at 10 Park Lawn Road. An Easement and Cooperation Agreement was signed by all owners in the Block to ensure access to all properties.

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's plant in the last quarter of 2013. At its meeting of September 20, 2013 Public Works and Infrastructure Committee received a staff report for information on the scope, timing and costs of the comprehensive Transportation Master Plan. The report indicated that the study will be led by staff with support from outside consultants, will commence in 2014 and is expected to be completed within the year.

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 north 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 morning and afternoon peak periods.

The 501 Queen Streetcar operates along the Lake Shore Boulevard West corridor in proximity to this development. Plans are in place for future relocation of the Humber Streetcar Loop to Park Lawn Road to improve streetcar frequency and service to the area. The timing for implementation of the Park Lawn Loop is not known at this time.

Servicing

Engineering and Construction Services staff have determined that in order to accommodate the ultimate build out of the entire service area for the Park Lawn Road Sanitary Sewer, the existing sanitary sewer along Park Lawn Road must be upgraded to Lake Shore Boulevard West. The owner is required to pay its proportionate share of the cost of the sanitary sewer upgrade, which has been determined to be \$64,460. The proportionate share of the cost is determined by apportioning the total cost to each of the landowners with current development applications within the Park Lawn Road sewer service area, based on the ultimate design flow contributed by each development to the sewer.

Engineering and Construction Services staff have further advised that additional servicing analysis is required. This is reflected in Recommendation 4 of this report requiring the matter to be addressed to the satisfaction of the Executive Director,

Engineering and Construction Services prior to the necessary Bills being introduced to City Council for enactment. It has been determined that in order to accommodate the ultimate build out of the entire Humber Bay Shores Area (HBS) and the Park Lawn Road Area, several sections of the municipal sanitary sewers along Marine Parade Drive and Lake Shore Boulevard West require upgrades. It is anticipated that the required upgrades would be implemented by the HBS Landowners Group through a Core Infrastructure Agreement. The applicant has advised that the owner is currently making the necessary financial arrangements with the HBS Landowners Group for payment of its proportionate share of the cost of the sanitary sewer upgrades. The applicant is required to submit a signed letter from the HBS Landowners Group confirming that satisfactory financial arrangements have been reached with the owner of 42 Park Lawn Road. The applicant has been advised by City staff that this requirement can only be satisfied once the HBS Core Infrastructure Agreement is signed and registered on title.

Open Space/Parkland

The subject site is in the lowest quintile of the current provision of parkland, as per Map 8B/C of the Official Plan. The site is in a parkland priority area, as per Alternative Parkland Dedication Rate By-law 1020-2010.

The application proposes 321 residential units and 730 m² of commercial space on a site of 0.66 ha. At the alternative rate of 0.4 ha per 300 units specified in By-law 1020-2010, the parkland dedication would be 0.46 ha or 72.13% of the site area. The proposal is subject to a cash-in-lieu cap of 10% of the value of the development site, net of any conveyances for public road purposes. The residential component of the development would generate a parkland requirement of 1,213 m² while the commercial component would generate a parkland requirement of 5 m². The combined parkland dedication requirement would be 1,218 m².

Parks, Forestry and Recreation staff advise that a park with an area of 1,218 m² would provide insufficient amenity space to support this development and be ineffective in this location. It would be difficult to find an on-site parcel of land that would meet the City's requirement for land conveyance due to the size and shape of the property and the amount of underground infrastructure. As such, the owner proposes to satisfy the parkland dedication requirement by a cash-in-lieu payment. This is acceptable to Parks, Forestry and Recreation staff. The amount of cash-in-lieu to be paid would be determined at the time of issuance of the building permit.

Streetscape

The proposed development would provide a two storey commercial building adjacent to Park Lawn Road that would frame the edge of the street. The site plan process would finalize details regarding pedestrian amenity, landscaping and tree planting to ensure a safe and attractive pedestrian environment.

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 which is proposed to be secured in the Section 37 agreement.

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. The Official Plan provides for the use of Section 37 to secure the provision of community benefits in return for height and/or density in development if the increases are first determined to represent good planning.

Planning staff have discussed an appropriate Section 37 contribution with the applicant and Ward Councillor and are recommending the owner be required to enter into a Section 37 Agreement to secure this contribution before introducing the necessary Bills to City Council for enactment. The community benefits recommended to be secured in the Section 37 agreement are as follows:

1. A contribution of \$500,000 towards improvements to the Mimico Creek Trail.
2. A contribution of \$21,700 towards construction of a pedestrian bridge on the Mimico Creek Trail.

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

1. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009.

Tenure

The proposed development is intended to be common element condominium. An application for a common element condominium must be submitted in the future should this application be approved.

CONTACT

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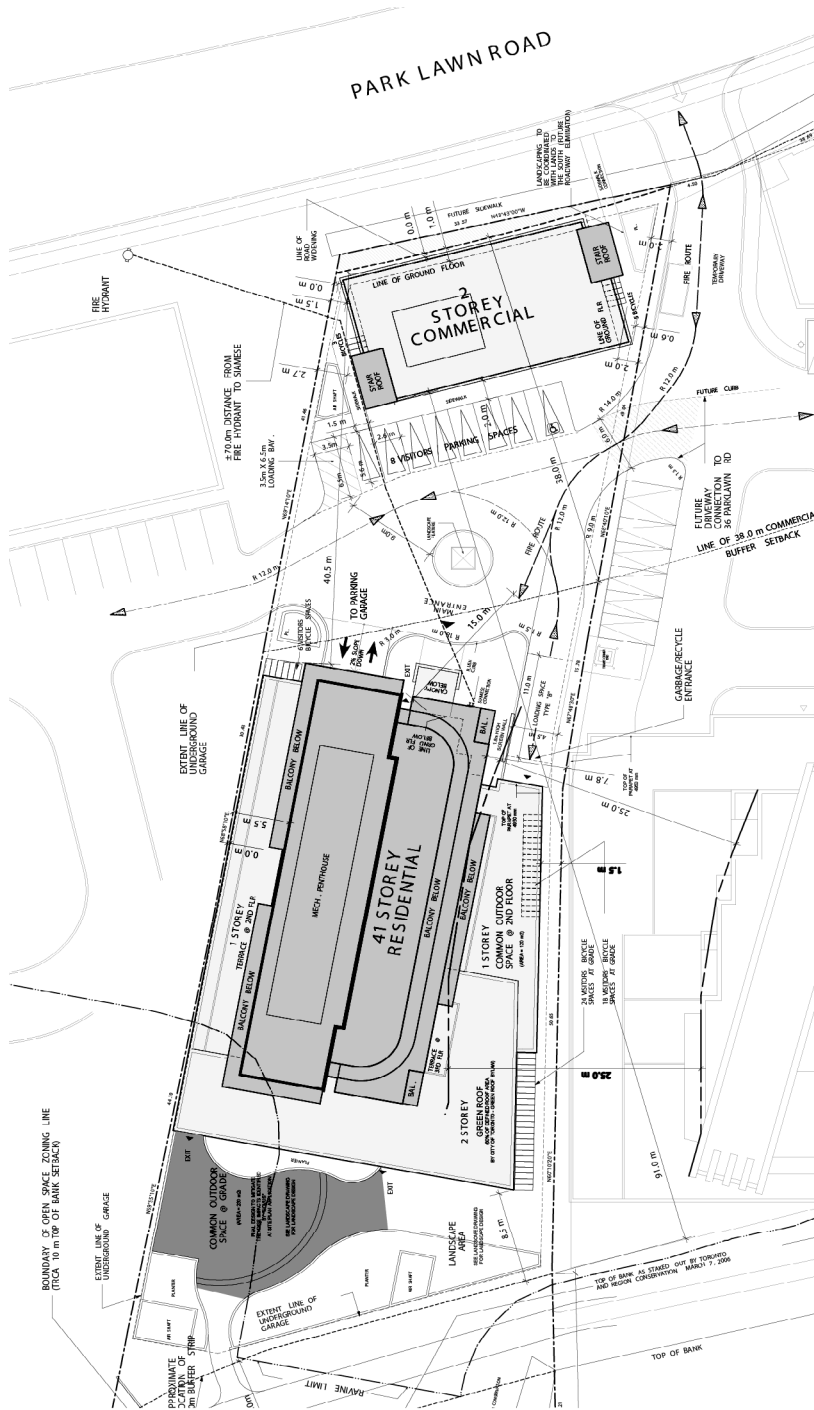
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Neil Cresswell, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations North/East
Attachment 3: Elevations South/West
Attachment 4: Zoning
Attachment 5: Draft Zoning By-law Amendment
Attachment 6: Application Data Sheet

Attachment 1: Site Plan



42 Park Lawn Road

File # 11 205554 WET 06 0Z

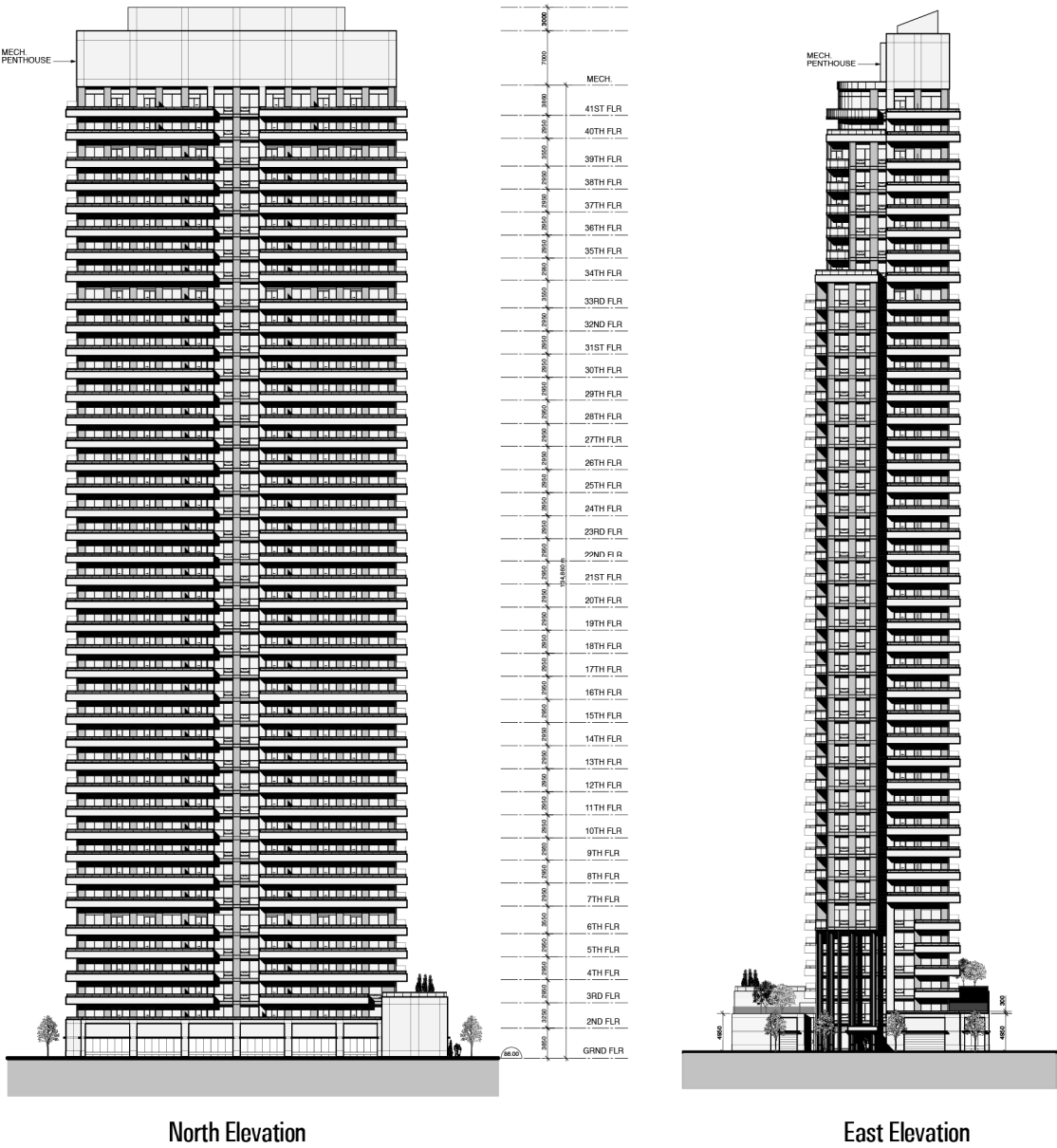
Site Plan

Applicant's Submitted Drawing

Not to Scale
10/03/2013



Attachment 2: Elevations – North/East



Elevations

Applicant's Submitted Drawing

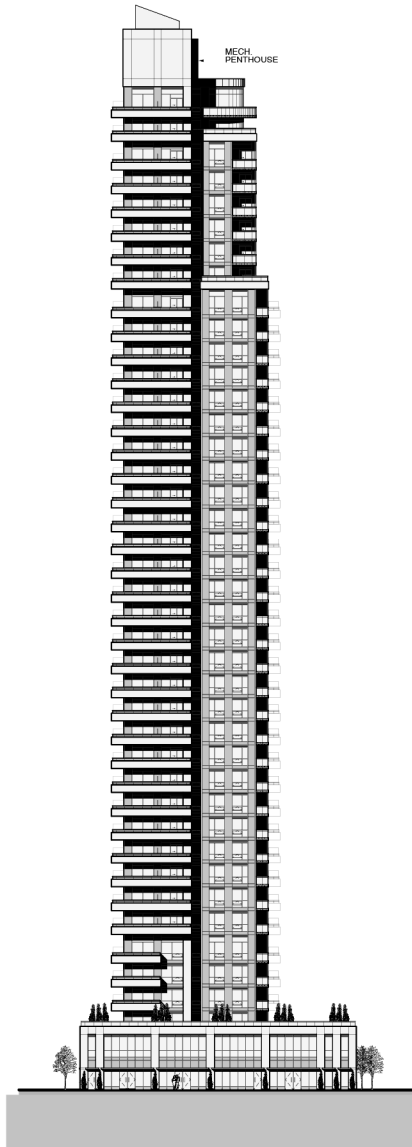
Not to Scale

10/03/2013

42 Park Lawn Road

File # 11 205554 WET 06 02

Attachment 3: Elevations – South/West



West Elevation



South Elevation

Elevations

Applicant's Submitted Drawing

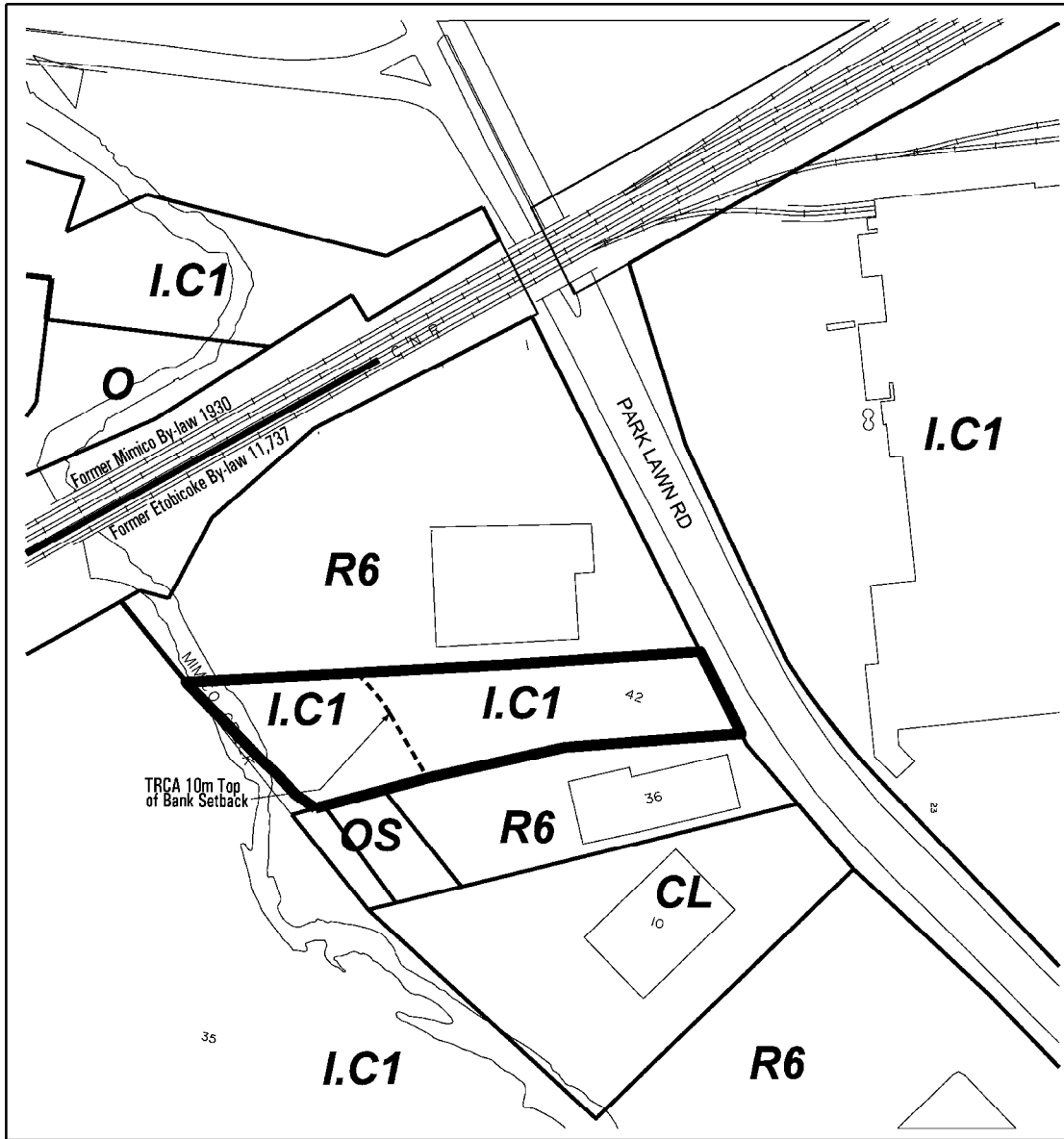
Not to Scale

10/03/2013

42 Park Lawn Road

File # 11 205554 WET 06 OZ

Attachment 4: Zoning



TORONTO City Planning
Zoning

42 Park Lawn Road
File # 11 205554 WET 06 02

Former Mimico By-law 1930
O Temporary Open Space

Former Etobicoke By-law 11,737
I.C1 Industrial Class 1
R6 Residential Sixth Density



Not to Scale
Zoning By-law 11,737 as amended
Extracted 09/25/2013

Attachment 5: Draft Zoning By-law 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 amend ~ Zoning By-law No. ~, as amended,
With respect to the lands municipally known as,
42 Park Lawn Road**

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 authority is given to Council by Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass a By-law under Section 34 of the *Planning Act* by the use of the Holding (H) Symbol in conjunction with any use designation specify the use to which lands, buildings or structures may be put at such time in the future as the Holding (H) Symbol is removed by amendment to the 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 pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the *height* or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set in the by-law; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of lands elects to provide facilities, services or matters in return for an increase in *height* and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the density or *height* permitted hereunder, beyond those otherwise permitted in the aforesaid lands by the Etobicoke Zoning Code, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the “City”)

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

1. THAT the Zoning Map referred to in Section 320-5, Article II of the Zoning Code, is hereby amended by changing the classification of the lands located hereto from Industrial Class (IC.1) to Sixth Density Residential Holding (R6(H)) and Public Open Space (OS), provided the following provisions shall apply to the lands identified in Schedule "A" attached hereto.
2. Definitions

The provisions of section 304-3 Definitions of the Zoning Code shall apply unless inconsistent with the provisions of this By-law. For the purposes of this By-law, the following definitions shall apply:

Grade – shall mean the geodetic elevation of 86.0 metres;

Gross Floor Area – shall have the same meaning as the Zoning Code definition in Section 304-3, except that the following areas shall also be excluded: mechanical floor area; indoor recreational amenity areas; unenclosed balconies; and any building or structures erected and used for public open space uses;

Height – shall mean, with respect to each building erected, the vertical distance between the *Grade* of such building, but shall exclude mechanical equipment, mechanical penthouses, parapets, architectural elements, railings, spires, canopied areas, stairs and stair towers and enclosures, elevator shafts, chimney stacks, window washing equipment, structures used for outside or open air recreation purposes and indoor amenity area located on the roof of such buildings, provided the maximum *height* of the top of such architectural and mechanical elements is not higher than 7.0 metres above the *height* limit otherwise applicable to the said building;

Lands – shall mean the lands described in Schedule “A” attached hereto;

Mechanical Floor Area – shall mean 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, ventilating, electrical, mechanical (other than escalators) or telecommunications equipment that serves only such building;

Recreational Amenity Area – shall mean a common area or areas which are provided for the exclusive use of residents of a building for recreational or social purposes;

TRCA 10 Metre Top of Bank Setback – is located as illustrated on Schedule “A”;
and

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

- 3 Within the portion of the *Lands* to be zoned Public Open Space (OS) indicated on Schedule “A” to this By-law, the uses permitted shall be limited to public parks and their related recreational facilities and conservation works uses provided that no buildings or structures be permitted.
4. The following development standards shall apply to the Sixth Density Residential (R6) lands described in Schedule “A” attached hereto:

4.1 Permitted Uses

No buildings or structures shall be erected or used on the *Lands*, except for the following uses:

Apartment building, *recreational amenity areas*, pedestrian walkways, conservation works;

Any of the Commercial Limited (CL) uses permitted under Section 320-91 B of the Zoning Code with the exception of hotels, theatre, undertaking establishments, bowling alleys, service stations, public garages, dry cleaning plants, and new and used car sales;

A *Temporary Sales Office*; and

Accessory structures, including any of the accessory structures permitted under section 320-76.F of the Zoning Code, canopies and associated supporting walls, landscape features, podiums, covered ramps, exterior stairs, stair enclosures, gatehouse, transformers and ventilation shafts shall be permitted.

4.2 Maximum *Height*

The maximum building *height* shall be 126.9 metres for the apartment building.

The maximum building *height* shall be 9.6 metres for the commercial building.

4.3 Maximum Number of Residential Units

Not more than 321 dwelling units including shall be permitted on the *Lands*.

4.4 Maximum *Gross Floor Area*

The maximum *Gross Floor Area* permitted on the *lands* zoned R6 shall be 32,360 square metres for the apartment building; and

The maximum *Gross Floor Area* permitted for the commercial building shall be 730 square metres.

4.5 Maximum Floor Space Index

For the purpose of this By-law, the total maximum gross Floor Space Index (FSI) permitted on the *lands* shall be 5.1 times the lot area, inclusive of residential and commercial uses, calculated based on the gross site area, and inclusive of any lands to be dedicated to any public authority for any purposes.

4.6 Setbacks

Setbacks will be in accordance with Schedule 'B' with the exceptions of the following projections:

- a) Canopies, eaves, awnings, building cornices, balconies, lighting fixtures, ornamental or architectural elements, parapets, landings and associated railings, trellises, window sills, bay windows, guardrails, balustrades, mullions, railings, stairs, stair enclosures, wheelchair ramps, underground garage ramps, landscape and public art features up to a maximum of 1.5 metres.

4.7 Vehicular Parking Requirements

Notwithstanding the provisions of Section 320-18.B, 320-18.C, 320-19 and Section 320 76.G of the Zoning Code, the following requirements shall apply to the Lands:

parking spaces shall be provided and maintained on the *lands* in accordance with the following:

- (i) Bachelor dwelling units – a minimum of 0.80 stalls per dwelling unit;
- (ii) One bedroom dwelling units – a minimum of 0.90 stalls per dwelling unit;
- (iii) Two bedroom dwelling units – a minimum of 1.00 stall per dwelling unit;
- (iv) Three or more bedroom dwelling units – a minimum of 1.20 stalls per dwelling unit;

- (v) An additional 0.15 stalls per dwelling unit shall be reserved for the exclusive use of residential visitors; and
- (vi) The reserved visitor parking stalls can be shared with, and used to meet the parking requirements for the proposed commercial uses within buildings situated on the same property.

4.8 Bicycle Parking Requirements

- (a) A minimum of 200 Bicycle parking spaces will be provided and maintained on the *Lands* of which 160 spaces will be for residents and 40 spaces for visitors.

4.9 Loading Requirements

One type B loading space with dimensions of 11 metres in length by 4.5 metres in width, with a vertical clearance of 6.1 metres; and

One loading space for the proposed stand-alone commercial building, with minimum dimensions of 6.5 metres in length by 3.5 metres wide, with a vertical clearance of 4.0 metres.

4.10 Area Requirements

Notwithstanding the provisions of the Etobicoke Zoning Code, the following area requirements shall apply to the Lands:

Landscaped Open Space: a minimum 16% of the lot area as measured between the established TRCA 10 metre top of bank setback and the Park Lawn Road property line shall be reserved for Landscaped Open Space.

Indoor Residential Amenity Space: a minimum of 2.0 square metres per dwelling unit.

Outdoor Residential Amenity Space: a minimum of 1.8 square metres per dwelling unit.

5. Holding Provisions

For the purposes of this By-law, the following Holding (H) Symbol shall apply to the lands described shown on Schedule "B" attached hereto.

The Holding (H) Symbol shall be lifted when the following conditions have been satisfied on terms satisfactory to the City of Toronto:

- a) The owner shall convey to the Toronto and Region Conservation Authority (TRCA) for a nominal sum, lands located west of the 10 metre Top-of-Bank Setback line including the valley lands adjacent to Mimico Creek, for the purpose of natural heritage protection and the provision of a trail system and which shall be subject to a Temporary Construction Easement permitting the use of the easterly 10 metres of the conveyed lands for construction purposes until substantial completion of the development;
- b) The owner shall:
 - a) Provide a cost estimate for the construction of the trail, associated planting and any re-grading including removal of an existing retaining wall required to tie the trail into the adjacent properties to the satisfaction of the City of Toronto and the TRCA;
 - b) Provide a Ravine Stewardship Plan to the satisfaction of the City of Toronto, Urban Forestry, Ravine and Natural Feature Protection and the TRCA;
 - c) Provide payment in full to the TRCA for the cost of all works identified in a) and b) above, plus three years of estimated cost increase based on the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB in effect on the date of payment; and
 - d) Prepare an Erosion and Sediment Control Plan to the satisfaction of TRCA.
- c) Make a financial contribution of \$90,500 toward the road and signal improvements that the City will undertake on Park Lawn Road to increase traffic capacity in the area.
- d) Make a financial contribution of \$64,460, not including service connection, toward the sanitary sewer upgrade along Park Lawn Road to accommodate the ultimate build out of the entire service area for the Park Lawn Road Sanitary Sewer.
- e) The owner shall convey to the City of Toronto the land identified for road widening purposes along Park Lawn Road.
- f) Revise the Site Servicing Report and re-submit to the Executive Director, Engineering and Construction Services for review and acceptance.
- g) Make satisfactory arrangements with the Executive Director, Engineering and Construction Services for the construction of the sanitary sewer upgrades required to accommodate the development, including an option of making satisfactory arrangements with the Humber Bay Shores Landowners Group for payment of its proportionate share of the cost of the sanitary sewer upgrades along Marine Parade Drive and Lake Shore Boulevard West. This condition

can only be satisfied once the Humber Bay Shores Core Infrastructure Agreement is signed and registered on title.

- e) Submit a copy of the registered 'Easement and Cooperation Agreement' among the owners of the Park Lawn Block properties regarding the joint use driveway to the City for review and acceptance.

Upon deletion of the "H" symbol from the lands, the R6 uses shall be permitted to a maximum gross floor area of 32,360 square metres for residential uses and 730 square metres for commercial uses, subject to the development standards applicable thereto.

6. Section 37 Contributions:

- 6.1 Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law on the lands shown as R6 on Schedule 'A' (being the "Site") are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the Site of the facilities, services and matters set out in this Section, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act* and in a form satisfactory to the City, with conditions providing for indexed escalation of financial contributions where applicable, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement. Upon execution and registration of an agreement or agreements with the owner of the Site, pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out herein, the Site is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements. The owner of the Site, at the owner's expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit the increase in gross floor area and height authorized the owner may not erect or use such building until the owner has satisfied the said requirements. The owner of the Site, at the owner's expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit the increase in gross floor area and height authorized under this By-law:

- a) A \$500,000 payment for the purposes of the public benefit toward the Mimico Creek Valley must be collected prior to the release of the first

above grade building permit to the satisfaction of the Chief Planner and Executive Director, City Planning, and

- b) A payment of \$21,700 towards construction of a pedestrian bridge on the Mimico Creek Trail.
- 6.2 Require the cash amounts identified in a and b above shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of the execution of the Section 37 Agreement to the date of submission of funds by the owner to the City.
- 6.3 In the event the cash contributions referred to in a and b have 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.
- 6.4 The owner of the lot enters into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the matters required in Section 5.1 herein, the said agreement to include provisions relating to indemnity, insurance, HST, termination, unwinding, registration and priority of agreement, and such agreements are to be registered on title to the lot, and such agreements and registration to be to the satisfaction of the City.
7. 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.
8. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.

9. 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-law:

By-law Number and Adoption Date	Description of Property	Purpose of By-law
xxxx-2013 xxxx-2013	Lands located on the west side of Park Lawn Road, north of Lake Shore Boulevard West, known municipally as 42 Park Lawn Road.	To rezone the property at 42 Park Lawn Road from Industrial Class 1 (IC.1) to Sixth Density Residential (R6(H)) to permit a residential/commercial development.

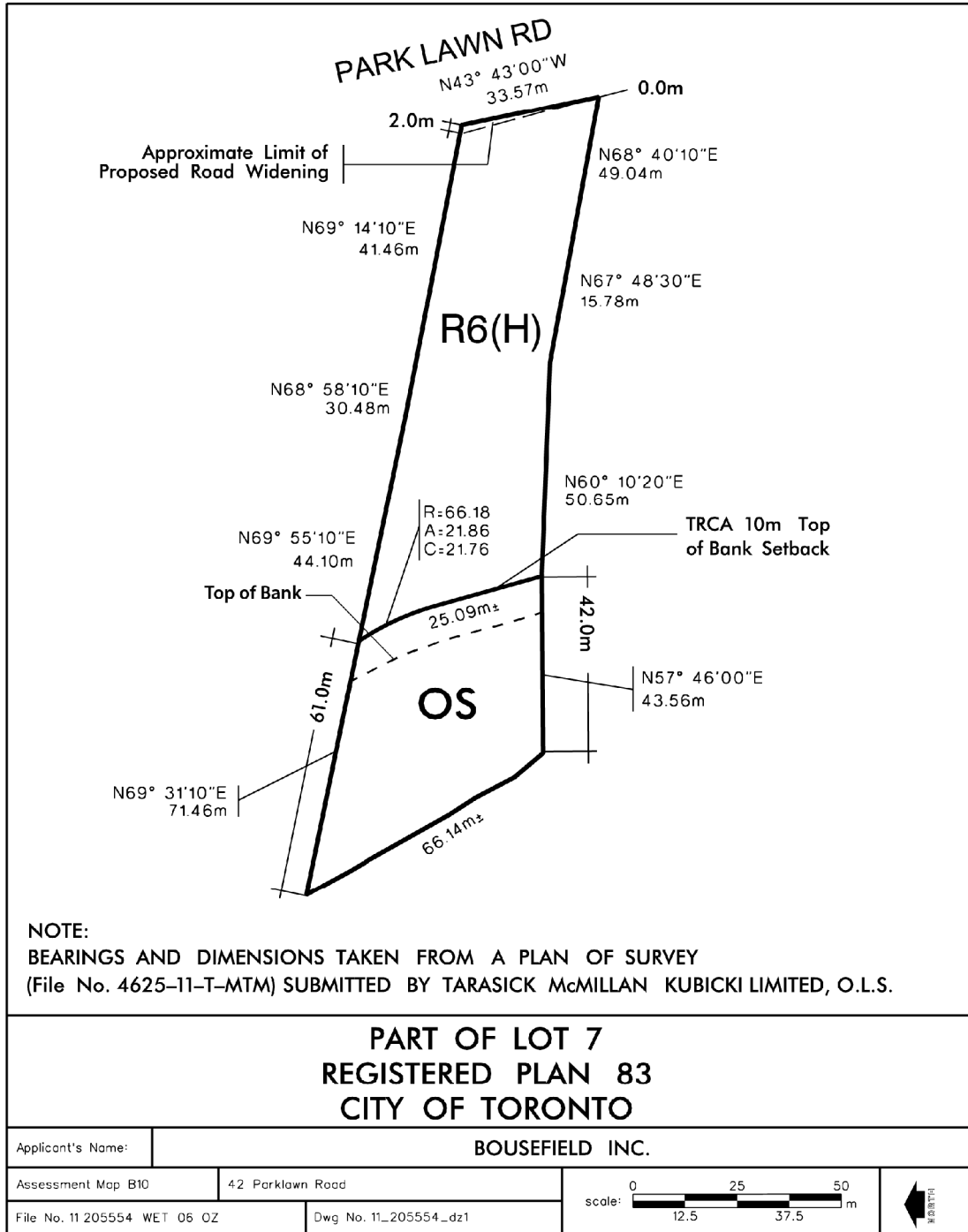
ENACTED AND PASSED this ____ day of _____, 2013

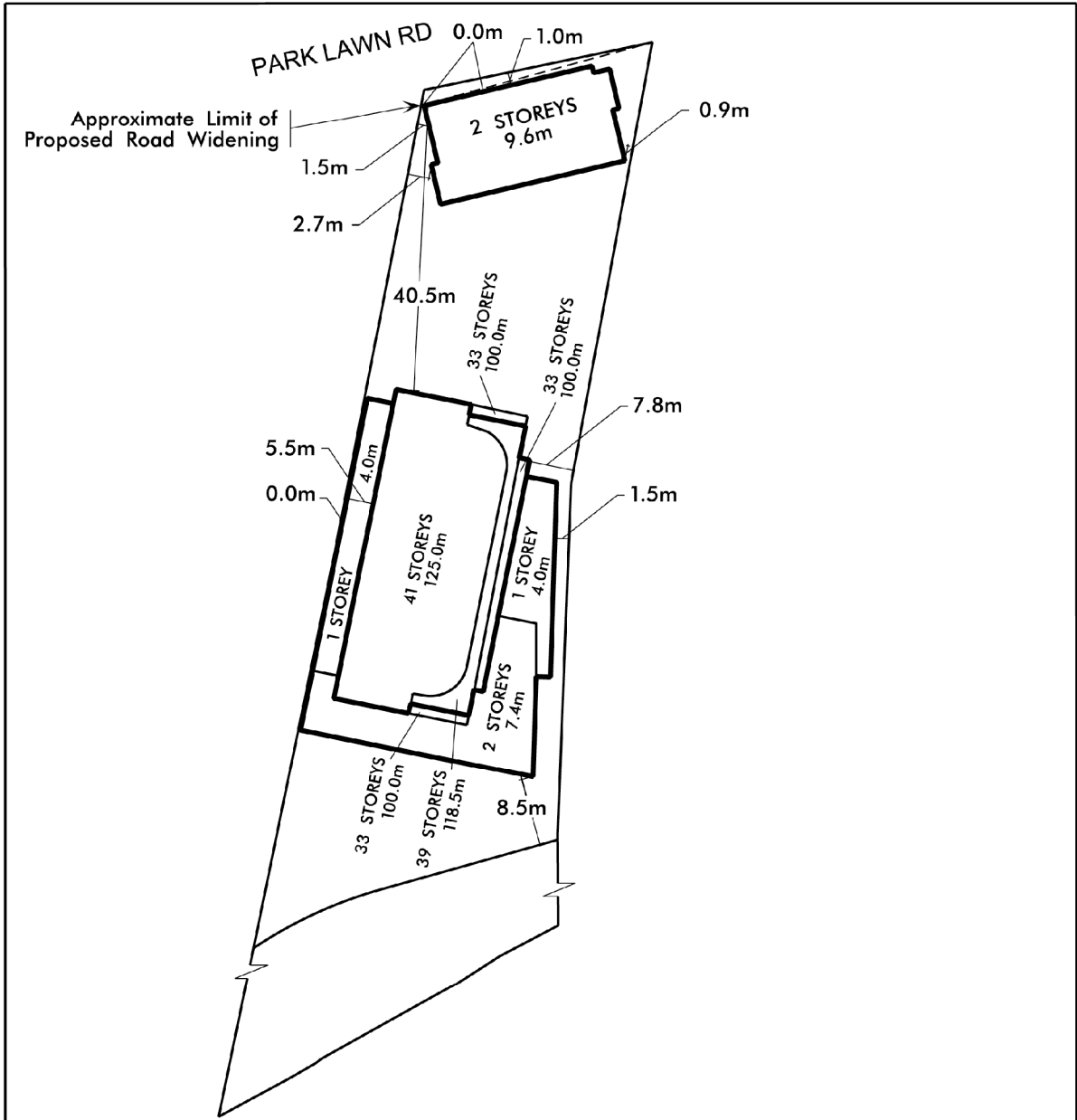
ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

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





**PART OF LOT 7
REGISTERED PLAN 83
CITY OF TORONTO**

Applicant's Name:		BOUSEFIELD INC.	
Assessment Map B10	42 Parklawn Road		scale:
File No. 11 205554 WET 06 02	Dwg No. 11_205554_dz2		

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	11 205554 WET 06 OZ
Details	Rezoning, Standard	Application Date:	May 30, 2011

Municipal Address: 42 PARK LAWN RD
 Location Description: PLAN 83 PT LOT 7 RP 66R14616 PARTS 6 & 7 **GRID W0608
 Project Description: Proposed amendments to the Etobicoke Zoning Code to permit the development of a 41 storey apartment building containing 345 units.

Applicant:	Agent:	Architect:	Owner:
BOUSFIELD INC			PETRO J DEVELOPMENTS LIMITED

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	IC.1
Zoning:	IC.1	Historical Status:	NA
Height Limit (m):	IC.1 – 5 storeys for offices	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	6568	Height:	Storeys:	41
Frontage (m):	33.57		Metres:	126.9
Depth (m):	188			
Total Ground Floor Area (sq. m):	1892			Total
Total Residential GFA (sq. m):	32360		Parking Spaces:	358
Total Non-Residential GFA (sq. m):	730		Loading Docks	1
Total GFA (sq. m):	33090			
Lot Coverage Ratio (%):	28.8			
Floor Space Index:	5.01			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	120
2 Bedroom:	201
3 + Bedroom:	0
Total Units:	321

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	33090	0
Retail GFA (sq. m):	730	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: PLANNER NAME: Kathryn Thom, Senior Planner 416-394-8214