

Authority: Etobicoke York Community Council Item 39.3 as adopted by City of Toronto Council on August 25 and 26, 2010

Enacted by Council:

CITY OF TORONTO

Bill No. 1003

BY-LAW No. ~-20~

To amend the former City of York Zoning By-law No. 1-83, as amended, with respect to the lands municipally known as 82 Buttonwood Ave.

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

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

WHEREAS Section 5.1.1 of the City of Toronto Official Plan contains provisions relating to the authorization of increases in density and height of development; 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 density and height of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands in Section 8 of the former City of York Zoning By-law No. 1-83, 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. That Section 6 of Zoning By-law No. 1-83, as amended, be further amended by adding a new Subsection (82) as follows:

LANDS – WEST PARK HEALTHCARE CENTRE – BUTTONWOOD AVENUE

(82) MAP 22

By changing the area shown on District Map 22, more particularly shown on Schedule “A” attached hereto, from a Green Open Space District (G) and an R2-Residential Zone

(R2) to the following designations R2 S16(197) and R2-H S16(197) each as shown on Schedule A.

2. That Section 16 of Zoning By-law 1-83, as amended, be further amended by deleting subsection (197) and replacing it with the following:

(197) LANDS – WEST PARK HEALTHCARE CENTRE – BUTTONWOOD AVENUE

Notwithstanding any provisions of this By-law, the lands municipally known as 82 Buttonwood Avenue (the West Park Healthcare Centre), in the former City of York, as shown as R2 S16(197) and R2-H S16(197) on Schedule ‘A’ as attached, may be used for following purposes:

- a) on Block A:
 - I. a hospital;
 - II. a respite care facility;
 - III. uses incidental and accessory to a hospital or respite care facility; and
 - IV. a nursing home.

- b) on Blocks B and C:
 - I. a hospital;
 - II. a respite care facility;
 - III. uses incidental and accessory to a hospital or respite care facility;
 - IV. a nursing home;
 - V. a retirement home;
 - VI. a residential care home;
 - VII. independent living units;
 - VIII. an apartment building;
 - IX. medical offices;
 - X. ancillary retail stores; and,
 - XI. ancillary personal service establishments,

provided that the following regulations are complied with:

- A. General Regulations Applying to Blocks A, B and C:
 - a) the use of lands below the long term stable top-of-slope, plus a 10 metre buffer of the main Humber River Valley and adjacent remnant valleys shall be limited to open space and conservation uses. Buildings, structures driveways and parking areas existing at the time of passage of the by-law to introduce this provision may continue to exist but may not be expanded;

 - b) all new buildings to be erected on site after the passage of the by-law to introduce this provision shall be located within the building envelopes as shown on Schedule ‘A’ or as provided in Section B(a). All new driveways and parking areas shall be set back a minimum of 10 metres from the long term stable top-of-slope of the main Humber River Valley and adjacent remnant valleys;

- c) parking shall be provided in accordance with the provisions of By-law 1-83, with the exception of the following:
 - i) a minimum of 1.3 parking spaces per bed for the uses identified as I to III in Sections a) and b) above, of which a minimum of 0.2 spaces per bed shall be for visitors;
 - ii) a minimum of 0.5 parking spaces per bed for the uses identified as IV to VI in Sections a) and b) above, of which a minimum of 0.1 spaces per bed shall be for visitors;
 - iii) a minimum of 0.6 parking spaces per unit for the use identified as VII in Section b) above, of which a minimum of 0.1 spaces per bed shall be for visitors;
 - iv) for the use identified in VIII in Section b) above, parking shall be provided in accordance with the provisions of Section 3.2.1 of By-law 1-83, except that visitor parking shall be provided at a minimum rate of 0.2 spaces per unit;
 - v) a maximum of 50% of the visitors' spaces required for the uses identified as IV to VIII in Sections a) and b) above may be provided in a shared parking arrangement with parking serving the uses identified as I to III and IX to XI in Sections a) and b) above; and
 - vi) a minimum of 1.0 parking space for every 47 square metres of gross floor area for the uses identified as IX to XI in Section b) above;
- d) the required parking spaces may be located anywhere within Blocks A, B or C;
- e) bicycle parking shall be provided in accordance with the following:
 - i) a minimum of 0.06 long-term bicycle parking spaces for each 100 square metres of interior floor area and a minimum of 3 plus 0.06 short-term bicycle parking spaces for each 100 square metres of interior floor area for the uses identified as I to IV in Sections a) and b) above;
 - ii) a minimum of 0.7 long-term bicycle parking spaces and a minimum of 0.08 short-term bicycle parking spaces per bed/unit for the uses identified as V to VIII in Section b) above;
 - iii) a minimum of 0.1 long-term bicycle parking spaces for each 100 square metres of interior floor area and a minimum of 3 plus 0.1 short-term bicycle parking spaces for each 100 square metres of interior floor area for the use identified as IX in Section b) above; and
 - iv) a minimum of 0.13 long-term bicycle parking spaces for each 100 square metres of interior floor area and a minimum of 3 plus 0.25 short-term bicycle parking spaces for each 100 square metres of interior floor area for the uses identified as X and XI in Section b) above;
- f) if the calculation of minimum bicycle parking spaces in accordance with paragraph (e) results in a fraction of a space being required, the number of spaces must be rounded up to the next whole number;
- g) a bicycle parking space shall have the following dimensions:
 - 1. if located in a horizontal position (on the ground):
 - i) minimum length of 1.9 metres;

- ii) minimum width of 0.6 metres; and
 - iii) minimum vertical clearance from the ground of 1.2 metres; and
- 2. if located in a vertical position (on the wall):
 - i) minimum length or vertical clearance of 1.9 metres;
 - ii) minimum width of 0.6 metres; and
 - iii) minimum horizontal clearance from the ground of 1.2 metres;
- h) a minimum of 50% of the long-term bicycle parking spaces shall not be in a vertical position;
- i) an area to be used to provide bicycle parking spaces shall have a minimum vertical clearance of 1.9 metres;
- j) long-term bicycle parking spaces shall be located in a secure, weather protected and enclosed bicycle area;
- k) if the requirement for short-term bicycle parking is more than 10 spaces, at least 50% of the required short-term bicycle parking spaces are to be located in a weather protected bicycle parking area at grade;
- l) for the uses identified as I to IV and IX to XI in Sections a) and b) above, bicycle parking spaces shall be located a maximum of 30 metres from the pedestrian entrance to the principal building;
- m) for the uses identified as I to IV and IX to XI in Sections a) and b) above, long-term bicycle parking spaces shall be located outside at grade, on the ground floor of the building, or on the first floor of the building below grade that is used for vehicular parking spaces;
- n) for the uses identified as V to VIII in Section b) above, long-term bicycle parking spaces shall be located on the ground floor of the building, or on the first floor of the building below grade that is used for vehicular parking spaces;
- o) shower and change facilities for employees are to be provided for each gender at the following rate for the uses identified as I to III in Sections a) and b) above:
 - i) none if less than 5 required bicycle parking spaces;
 - ii) 1 for 5 to 60 required bicycle parking spaces;
 - iii) 2 for 61 to 120 required bicycle parking spaces;
 - iv) 3 for 121 to 180 required bicycle parking spaces; and
 - v) 4 for more than 180 required bicycle parking spaces;
- p) a bicycle parking space shall be located within the same building as the use for which it is required;
- q) loading spaces shall be provided in accordance with Section 3.2.2 of By-law 1-83 with the exception of the following:
 - i) a minimum of 2 loading spaces at 17.0m (length) x 3.0m (width) x 4.0m (height); 1 loading space at 10.0m (length) x 3.0m (width) x 4.0m (height); and 4 loading spaces at 6.0m (length) x 3.0m (width) x 4.0m (height);

(height) shall be provided in Block A, for the uses identified as I to III in Section a) above;

- p) for the use identified as VIII in Section b) above, a minimum of 4.0 square metres of amenity space shall be provided for each dwelling unit in accordance with following:
- i) a minimum of 2.0 square metres for each dwelling unit must be indoor amenity space;
 - ii) a maximum of 25% of the outdoor component may be in the form of a green roof; and
 - iii) a minimum of 40.0 square metres must be outdoor amenity space in a location adjoining or directly accessible to the indoor amenity space;

B. Regulations Applying to Block A only:

- a) any proposed building or additions to existing buildings to be constructed after August 26, 2010 shall be set back a minimum of:
 - i) 115 metres from the north lot line;
 - ii) 45 metres from the west lot line;
 - iii) 100 metres from the south lot line; and
 - iv) 20 metres from the east lot line;
- b) the maximum height of all buildings shall be 25 metres, excluding mechanical penthouse, parapets, terrace guards and dividers, planters, railings, decorative screens, window washing equipment, structures for noise attenuation, outside or open air recreation, safety or wind protection purposes in addition to the height exemptions listed in Section 3.7.1 of By-law 1-83;
- c) the maximum gross floor area of all buildings shall be 71,000 square metres;
- d) the maximum number of beds associated with the uses identified as I to III in Section a) above shall be 405; and
- e) the maximum number of beds associated with the use identified as IV in Section a) above shall be 200;

C. Regulations Applying to Blocks B and C:

- a) all buildings shall be located within the building envelopes as shown on Schedule 'B', with the exception of balconies, awnings, lighting fixtures, ornamental elements, trellises, window sills, balustrades, stairs, stair enclosures, wheelchair ramps, underground garage ramps, landscape features and ornamental elements;
- b) the maximum height of all buildings shall be as shown on Schedule 'B', excluding mechanical penthouse, parapets, terrace guards and dividers, planters, railings, decorative screens, window washing equipment, structures for noise attenuation, outside or open air recreation, safety or wind protection purposes in addition to the height exemptions listed in Section 3.7.1 of By-law 1-83; and

- c) for any portion of a building located having a height greater than 26 metres, the maximum gross construction area per floor shall be 750 square metres;

D. Regulations Applying to Block B only:

- a) the maximum gross floor area of all buildings shall be 53,500 square metres, of which the maximum gross floor area for all ancillary office, retail store and personal service establishment uses located within buildings used for one or more of the uses identified as IV to VIII in Section b) above shall be 1,500 square metres;
- b) the maximum number of beds and/or residential units associated with the uses identified as IV to VIII in Section b) above shall be 645;

E. Regulations Applying to Block C only:

- a) prior to the lifting of the Holding (H) Provision, the following conditions shall be fulfilled:
 - i) a traffic study will be undertaken which demonstrates, to the satisfaction of the General Manager of Transportation Services, that sufficient transportation infrastructure is available to accommodate the additional gross floor area proposed;
 - ii) a parking assessment and construction management plan will be undertaken to the satisfaction of the City; and
 - iii) a community services and facilities needs assessment study shall be completed to the satisfaction of the Chief Planner and Executive Director City Planning Division, if an indication is provided to the City that residential uses will be developed on the Block.
- b) prior to the lifting of the Holding (H) provision existing buildings, uses and surface parking shall be permitted;
- c) following the lifting of the Holding (H) provision, the uses listed in Section b) above shall be permitted on Block C;
- d) following the lifting of the Holding (H) provision, within Block C the maximum gross floor area of all buildings shall be 38,500 square metres; and
- e) following the lifting of the Holding (H) provision, within Block C the maximum number of beds and/or residential units associated with the uses identified as IV to VIII in Section b) above shall be 450.

F. For the purpose of subsection (197) the following definitions shall apply:

“Established Grade” shall mean a geodetic elevation of 124.3 metres above sea level for Block A and a geodetic elevation of 125.5 metres above sea level for Blocks B and C.

“Height” shall mean the vertical distance between the Established Grade and the highest point of the roof in the case of a flat roof, or the average height halfway up in the case of pitched roofs.

“Apartment Building” shall mean a building that has at least five dwelling units, with at least one dwelling unit entirely or partially above another, and each dwelling unit has a separate entrance directly from outside or through a common inside area, and shall not include a common dining area.

“Hospital” shall mean premises used as a private or public hospital under Province of Ontario legislation for the care or treatment of: persons afflicted with or suffering from sickness, disease or injury; convalescent or chronically ill persons; persons suffering from substance addictions; and/or persons suffering from emotional, psychological or mental disorders.

“Independent Living Units” shall mean premises used for independent living accommodation for senior citizens and for persons with disabilities, which shall be associated with common dining and lounge areas within the premise.

“Nursing Home” shall mean premises used to provide living accommodation and regular nursing care for persons of any age and which contains personal and medical care facilities, common lounges and dining areas.

“Residential Care Home” shall mean supervised living accommodation: licensed or funded under Province of Ontario or Government of Canada legislation; for persons requiring semi-independent or group living arrangements by reason of their emotional, mental, social or physical condition or legal status; for more than ten persons, exclusive of staff; and it may include associated support services.

“Respite Care Facility” shall mean premises used for the provision of short-term non-emergency services for the supervised care of people of any age, in order to provide relief to their caregivers. A respite care facility may include the provision of services, such as: preventive medicine; counseling; social, recreational or educational programs and/or day or overnight care.

“Retirement Home” shall mean premises used for semi-independent living accommodation for senior citizens primarily in bed-sitting rooms, with common dining and lounge areas.

“Long-Term Bicycle Parking” shall mean bicycle parking spaces for use by the occupants or tenants of a building.

“Short-Term Bicycle Parking” shall be bicycle parking spaces for use by visitors to a building.

- G. All other provisions of this By-law shall continue to apply except in the case where provisions of this Subsection are in conflict in which case the provisions of this Subsection shall prevail.
- H. The provisions of this Subsection shall apply collectively to the lands shown on Schedule ‘B’, notwithstanding any future long-term lease, partition or division of the lands.

SECTION 37

- I.** Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the owner of the Lands of the facilities, services and matters set out in Section K hereof, to the City at the owner's sole expense and in accordance with and subject to the agreement referred to in Section J of this By-law.
- J.** Upon execution and registration of an agreement or agreements with the owner of the Lands pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out Section K hereof, the Lands are 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.
- K.** The facilities, services and matters set out herein are the matters required to be provided by the owner of the Lands at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City with conditions providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:
- a) The owner agrees not to occupy the addition to the existing main hospital building on Block A, until the owner had made necessary arrangements to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the General Manager, Parks Forestry and Recreation and the City Solicitor to provide the use of the "Central Lawn" area on Block A as Publicly accessible, privately managed open space for as long as the West Park Healthcare Centre continues in operation on the lands.
 - b. The Owner shall provide and maintain 15% of the residential dwelling units constructed after the passage of the by-law to introduce this provision as affordable rental housing units as set out in Appendix 1 hereof.
 - c. Prior to the issuance of any building permit on Block A, the owner shall demonstrate to the satisfaction of the Chief Planner and Executive Director, City Planning Division the owner has expended the amount of \$25,000 toward the relocation and or/integration of the remnants of the original Coach House into the existing development or any development that is under construction at the time, or alternatively, the owner provide to the satisfaction of the Chief Planner and Executive Director, City Planning Division a letter of credit in the amount of \$25,000 (less any amount already expended) and a plan for the expenditure of \$25,000 toward the relocation and/or integration of the Coach House into the development or toward other art features on the Lands.
 - d Prior to the issuance of any building permit for a premises containing a residential unit on Block C, the owner shall make necessary arrangements including any required amendment to the Section 37 Agreement to secure such matters as may be required as a condition of the H removal from Block C, incorporating timing, and any required funds or securities to implement the conclusions of the

Community Services and Facilities study for the development (Phases 1 and 3), to the satisfaction of the City, having regard to the nature of the Phase 3 development.

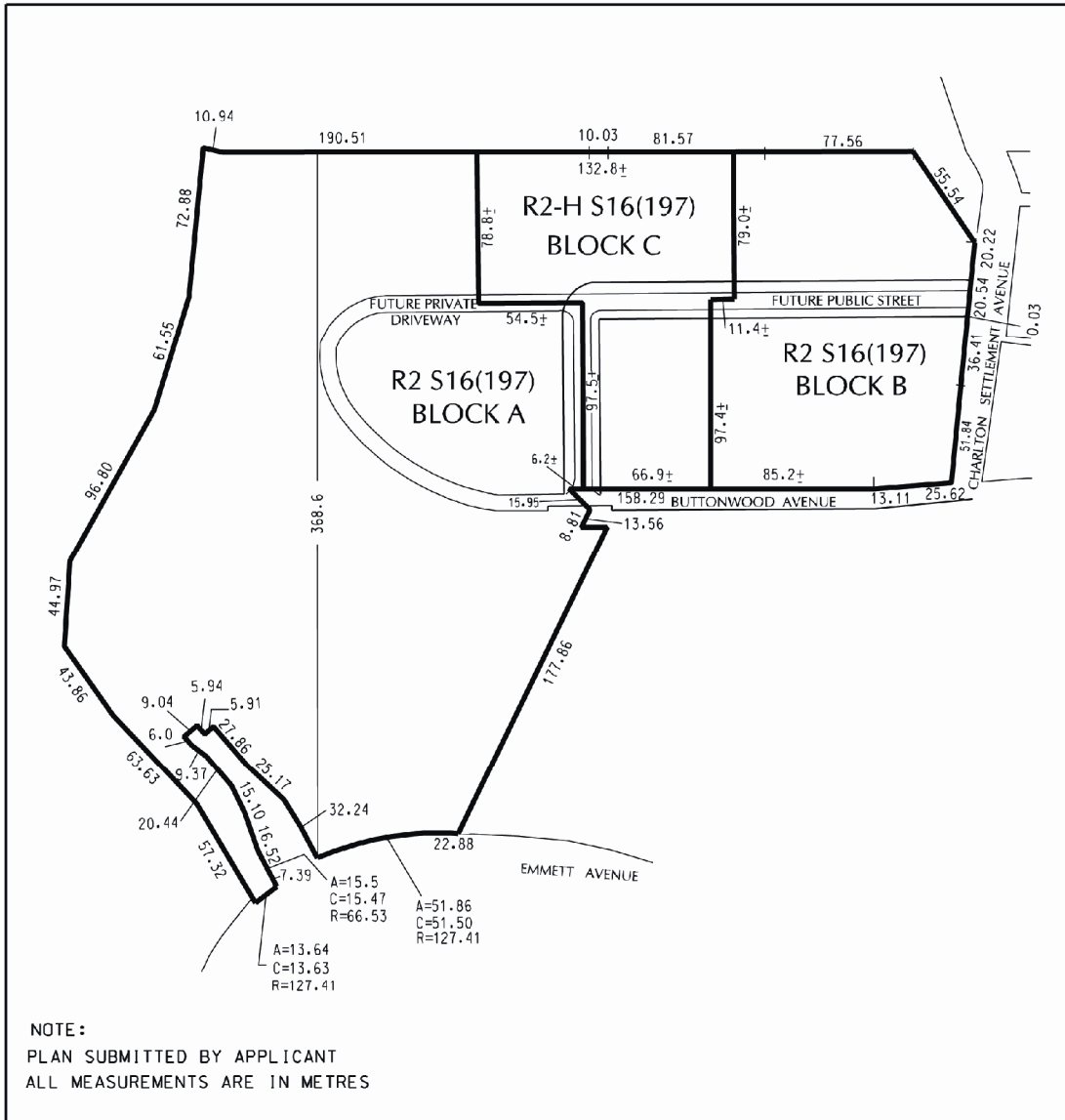
- e. As part of the Site Plan Approval Process, the owner shall provide 1:50 scale drawings for representative portions of the buildings with building materials labelled to the satisfaction of the Chief Planner and Executive Director.
 - f. The owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division; in accordance with approved site plan drawings.
 - g. As part of the development of Block C, the owner shall implement the parking assessment and construction management plan to the satisfaction of the City.
- 6.** Within the lands shown on Schedule B 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.
- 3.** Subject to the provisions of Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, this By-law shall come into force and effect on the date of its passing

ENACTED AND PASSED this day of August, A.D. 2010.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

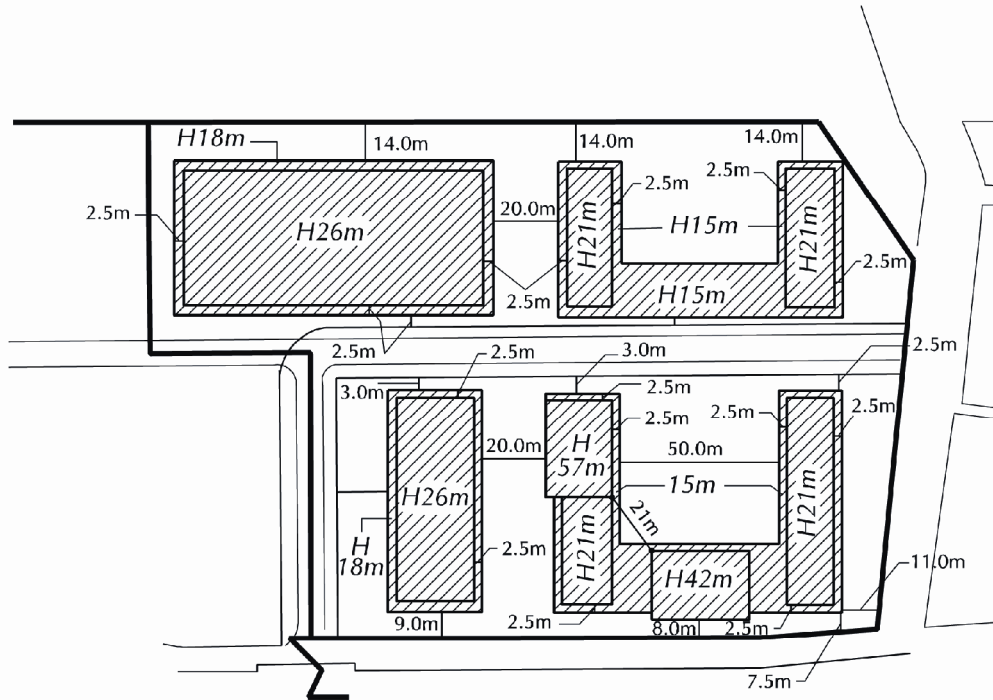
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NOTE:
 PLAN SUBMITTED BY APPLICANT
 ALL MEASUREMENTS ARE IN METRES

82 BUTTONWOOD AVENUE

Applicant's Name:	FASKEN MARTINEAU DUMOULIN		
Assessment Map			
File No. 10_162435	Dwg No. 10_162435_dz1		



BUILDING ENVELOPE

82 BUTTONWOOD AVENUE

Applicant's Name:	FASKEN MARTINEAU DUMOULIN		
Assessment Map			scale:
File No. 10_162435	Dwg No. 10_162435_dz2		

Appendix 1 to By-law and to Subsection 16(197)

Affordable Rental Housing

The owner shall provide and maintain as affordable rental housing at least 15% of all residential rental dwelling units as follows:

1. The affordable rental housing is to be developed prior to or concurrently with the development of the other residential dwelling units. Residential dwelling units are those that do not have as a condition of occupancy or rental the required purchase of services such as housekeeping, meals or assistance with daily living.
2. The unit mix by bedroom type for the affordable rental units shall consist of the same unit mix, in proportion, as that of the other residential dwelling units.
3. For a period of at least 20 years the affordable rental units shall be maintained as rental dwelling units, and during this 20 year period, no application shall be made to convert the units to non-rental purposes or to demolish the units without providing for their replacement.
4. At such time as the 20 year period has expired, the affordable rental units shall be maintained as rental dwelling units unless and until such time as the Owner has applied for and obtained final approval of any planning permissions necessary to delete the requirement that the Owner provide and maintain such units as rental dwelling units and any other applicable by-laws or legislation which are in force and effect at that time which might otherwise prevent the demolition or conversion of such rental dwelling units.
5. The owner shall provide and maintain affordable rents charged to the tenants who rent each affordable rental unit for a period of at least 10 years from the date of initial occupancy of each unit, as follows:
 - a. the maximum rent at initial occupancy of each of the affordable rental units shall be no more than the average market rent in the City of Toronto for the same unit type as reported by Canada Mortgage and Housing Corporation in the most recent year-end annual Rental Market Report
 - b. affordable rents includes charges for heat, water and hydro, but not parking and cable television or the cost of any other optional purchase of services such as meals, housekeeping or assistance with daily living that may be made available to tenants of the rental housing units
 - c. upon turnover during the initial 10 year period, the rent charged to any new tenant for an affordable rental unit shall be no more than the greater of the most recently charged rent or the average market rent in the City of Toronto for the same unit type as reported by Canada Mortgage and Housing Corporation in the most recent year-end annual Rental Market Report
 - d. over the course of the initial 10 year period, annual rent increases shall not exceed the annual provincial rent increase guideline and, if applicable, permitted above

guideline increases, until the tenancy ends or the 10th anniversary of the tenancy, whichever occurs first, with provisions for phasing in rent increases after the 10th anniversary of their tenancy.

- e. after the end of the initial ten year period, upon vacancy, the rent for an affordable rental unit shall be established without any restrictions from the terms of the Section 37 Agreement
- f. the maximum monthly charge for parking for a tenant in an affordable rental unit shall be subject to restrictions set out in the Section 37 Agreement