

Authority: Etobicoke York Community Council Item 23.2,
as adopted by City of Toronto Council on May 7, 8, 9 and 10, 2013

CITY OF TORONTO

BY-LAW No. 638-2013

To amend Chapters 320 and 324, of the Etobicoke Zoning Code and to further amend site-specific Zoning By-law No. 59-2011(OMB) with respect to lands known as 10 Park Lawn Road and 2200 Lake Shore Boulevard West.

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

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

The Council of the City of Toronto enacts:

1. That Zoning Maps referred to in Section 320-5, Article II of the Zoning Code, and originally attached to Township of Etobicoke By-law No. 11737, and attached to Schedule 'A' of Zoning By-law No. 59-2011(OMB) are hereby amended to rezone only the lands with the zone symbol Limited Commercial 'CL', Area referred to in Section 4 of Zoning By-law No. 59-2011(OMB) to a split zone Sixth Density Residential 'R6' Part 1 and Open Space 'OS' Part 1 as described in Schedule 'A' attached hereto.
2. That Zoning Maps referred to in Section 320-5, Article II of the Zoning Code, and originally attached to Township of Etobicoke By-law No. 11737, and attached to Schedule 'A' to Zoning By-law No. 59-2011(OMB) are hereby amended to rezone a portion of the lands zoned Sixth Density Residential 'R6', Area referred to in Section 4 of Zoning By-law No. 59-2011(OMB) to Open Space 'OS' Part 2 and identify the remaining 'R6' zoned lands as 'R6' Part 2 and will comply with the zoning provisions in Zoning By-law No. 59-2011(OMB).
3. Notwithstanding By-law No. 59-2011(OMB), Section 320-31 and 320-32 of the Etobicoke Zoning Code and By-law No. 59-2011(OMB), the following development standards shall now be applicable to the lands zoned 'OS' Part 1 as described in Schedule 'A' attached hereto:
 - (a) A 10 metre buffer - as illustrated on Schedule 'A' shall be required;
 - (b) A minimum of 30% of the 'OS' Part 1 land as measured between the established 10 metre top of bank shall be reserved for Landscaped Open Space which may include soft and hard landscaping; and
 - (c) Within the portion of the lands zoned 'OS' Part 1 as illustrated 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. Notwithstanding By-law No. 59-2011(OMB), Sections 320-18, Article VXIII Sections 320-75 through to Section 320-77 inclusive of the Etobicoke Zoning Code, the following development standards and uses shall only apply to the Sixth Density Residential 'R6' Part 1 lands as described in Schedule 'A' attached hereto:
- (a) No buildings or structures shall be erected or used on Lands, except for the following uses:
 - (i) Apartment buildings, townhouses, recreational amenity areas, pedestrian walkways and mixed use commercial/residential buildings.
 - (ii) Commercial buildings, containing uses such as but not limited to, retail stores, banks, business and professional offices, public garage, customer-operated automatic laundries, nursery schools and day nurseries, commercial schools, athletic clubs, convenience restaurants, take-out restaurants, medical and dental offices, apartment building, townhouses, recreational amenity areas and pedestrian walkways.
 - (iii) *A temporary sales office.*
 - (iv) Accessory structures including the following: canopies and associated supporting walls, landscape features, exterior stairs, stair enclosures, garbage enclosures, transformers and ventilation shafts, pool enclosures, accessory uses associated with pool structures such as filters and pumps.
 - (b) A maximum of 523 residential units shall be permitted.
 - (c) The *residential gross floor area* shall not exceed 37,300 square metres.
 - (d) The *non-residential gross floor area* shall not exceed 1,230 square metres.
 - (e) The combined *residential gross floor area* and *non-residential gross floor area* shall not exceed 38,530 square metres.
 - (f) Swimming pools, and pool enclosures and all related pool equipment and structures shall not exceed 10% of the total lot area combined.
 - (g) The following parking standards apply:
 - (i) A maximum of 637 parking spaces shall be provided on the lot.

- (ii) Parking shall be provided in accordance with the following minimum ratios:
- | | |
|---------------------------|----------------------|
| Bachelor Units | 0.80 spaces per unit |
| 1-Bedroom Units | 0.90 spaces per unit |
| 2-Bedroom Units | 1.00 spaces per unit |
| 3+Bedroom Units | 1.20 spaces per unit |
| Visitor/Commercial Retail | 0.20 spaces per unit |
- (iii) A minimum of 52 visitor; required handicap spaces; and commercial/retail parking spaces shall be provided on the ground floor and P1 levels.
- (iv) For the purposes of this By-law, the reserved on-site residential visitor parking can be shared with and used to meet the parking requirements for the commercial/retail uses on the lands.
- (h) A minimum of 393 *bicycle parking spaces* only shall be provided for residents and visitors to the building in accordance with the following standards:
- (i) A minimum of 79 *visitor-bicycle parking spaces* shall be provided and maintained on the P1 and ground floor levels.
- (ii) A minimum of 314 *occupant-bicycle parking spaces* shall be provided and maintained on the P2, P1 and ground floor levels.
- (iii) *Bicycle parking spaces* shall be common element and not combined with storage lockers.
- (i) Minimum of two *loading space type B* shall be provided and maintained on the R6 Part 1.
- (j) Minimum of one shared *loading space type G/B* shall be provided and maintained on the R6 Part 1.
- (k) A minimum of 985 square metres of indoor *Recreational Amenity Area* shall be provided and maintained in the residential building.
- (l) A minimum of 1,042 square metres of outdoor *Recreational Amenity Area* shall be provided and maintained in the residential building.
5. The *height* of any building or structure, or portion thereof, does not exceed those *heights* as indicated on the attached Schedule 'B' from *grade*.
- (a) The maximum permitted *height* is 137.5 metres.

6. 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.
7. For the purposes of this By-law the following definitions apply:
- (a) *Grade* means 84.35 Canadian Geodetic Datum.
 - (b) *Height* means the vertical distance between *grade* and the highest point of the roof, building or structure and shall exclude mechanical equipment, mechanical penthouses, parapets, architectural elements, spires, canopied areas, stairs and stair towers, enclosures, elevator shafts, chimney stacks, window washing equipment, roof top pool enclosed ancillary support spaces and any tuned mass damping devices as may be required shown on Schedule 'B'.
 - (c) *Residential gross floor area* - means the aggregate of the areas of each floor and the space occupied by walls and stairs, above and below *grade*, of a *residential building* or the residential portion of a *mixed-use building*, exclusive of the following areas:
 - (i) A room or enclosed area, including its enclosing walls within the 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 the building;
 - (ii) Loading facilities required by this By-law or any other zoning by-law;
 - (iii) A part of the building or structure that is used for the parking of motor vehicles or bicycles, storage, *residential amenity space* or other *accessory* use, provided the floor level, excluding any access ramp, is at least 0.9 metres below *grade*; and
 - (iv) Above *grade residential amenity space* required by this By-law.
 - (d) *Non-residential gross floor area* - the aggregate of the areas of each floor and the spaces occupied by walls and stairs, above or below *grade*, of a non-residential building or the non-residential portion of a *mixed use building*, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, exclusive of the following areas:
 - (i) A room or enclosed area, including its enclosing walls, within the 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 service the building;
- (ii) Loading facilities above or below *grade* required by this by-law;
 - (iii) A part of the building or structure below *grade* that is used for the parking of motor vehicles or bicycles, storage or other *accessory* use;
 - (iv) A part of the building or structure above *grade* that is used for the required parking or storage of bicycles; and
 - (v) A part of the building or structure below *grade* that was erected and used for one or more non-residential use permitted by this by-law on the *lot* on January 31, 1976.
- (e) *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*.
- (f) *Recreational amenity area* - shall mean a common area or areas which are provided for the exclusive use of residents of the building for recreational or social purposes.
- (g) *Bicycle parking space* - means an *occupant - bicycle parking space* or a *visitor - bicycle parking space*.
- (h) *Occupant - bicycle parking spaces* - means an enclosed area that is equipped with a bicycle rack for the purpose of parking and securing bicycles.
- (i) *Visitor - bicycle parking spaces* - means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles.
- (j) *Lot* - shall mean the lands described in Schedule 'A' attached hereto.
- (k) *Loading space - type B* - shall mean a loading space with a maximum length of 11.0 metres, a minimum width of 3.5 metres and a vertical clearance of at least 4.0 metres.
- (l) *Loading space type G/B* - shall mean a loading space with a maximum length of 13.0 metres, a minimum width of 3.5 metres and a vertical clearance of at least 6.1 metres.
- (m) Each word or expression that is *italicized* in the By-law herein shall have the same meaning as each word or expression as defined.

8. Section 37 Contributions

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 Part 1 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 under this By-law:

- (a) A \$500,000 payment for the purposes of the public benefit toward the Grand Avenue Park shall be paid by the owner prior to the release of the first above grade building permit.
 - (b) 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 held on October 26 and 27, 2009.
 - (c) Prior to Site Plan approval pursuant to Section 114 of the *City of Toronto Act*, the owner shall provide a Construction Management Plan at its expense to the satisfaction of the Director, Engineering and Construction Services.
 - (d) Prior to the registration of the Condominium, the owner will convey to the Toronto and Region Conservation Authority and at no cost to the TRCA, lands located on the south side of the subject property adjacent to Mimico Creek for the purposes of natural heritage protection and the provision of a trail system.
 - (e) Prior to Site Plan approval, pursuant to Section 114 of the *City of Toronto Act*, in accordance with Reference Plan No. 66R-25844, the owner shall convey land for the purposes of road widening along Park Lawn Road.
- 9.** Where the provisions of this by-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this by-law shall apply.

- 10.** Notwithstanding the conveyance or dedications of any portion of the lands shown on Schedule 'A' annexed hereto for municipal purposes, the lands shall be deemed to include such conveyances or dedications for the purpose of compliance with the provisions of this by-law.
- 11.** Chapter 342, Site Specifics, of the Etobicoke Zoning Code, is hereby amended to include reference to this by-law by adding the following to Section 342-1, Table of Site Specific By-laws.

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF THE BY-LAW
638-2013 May 10, 2013	Lands located on the north side of Lake Shore Boulevard, west side of Park Lawn Road and municipally known as 10 Park Lawn Road	To rezone 10 Park Lawn Road from CL Limited Commercial (CL) to Sixth Density Residential (R6) Part 1 and Public Open Space (OS) Part 1

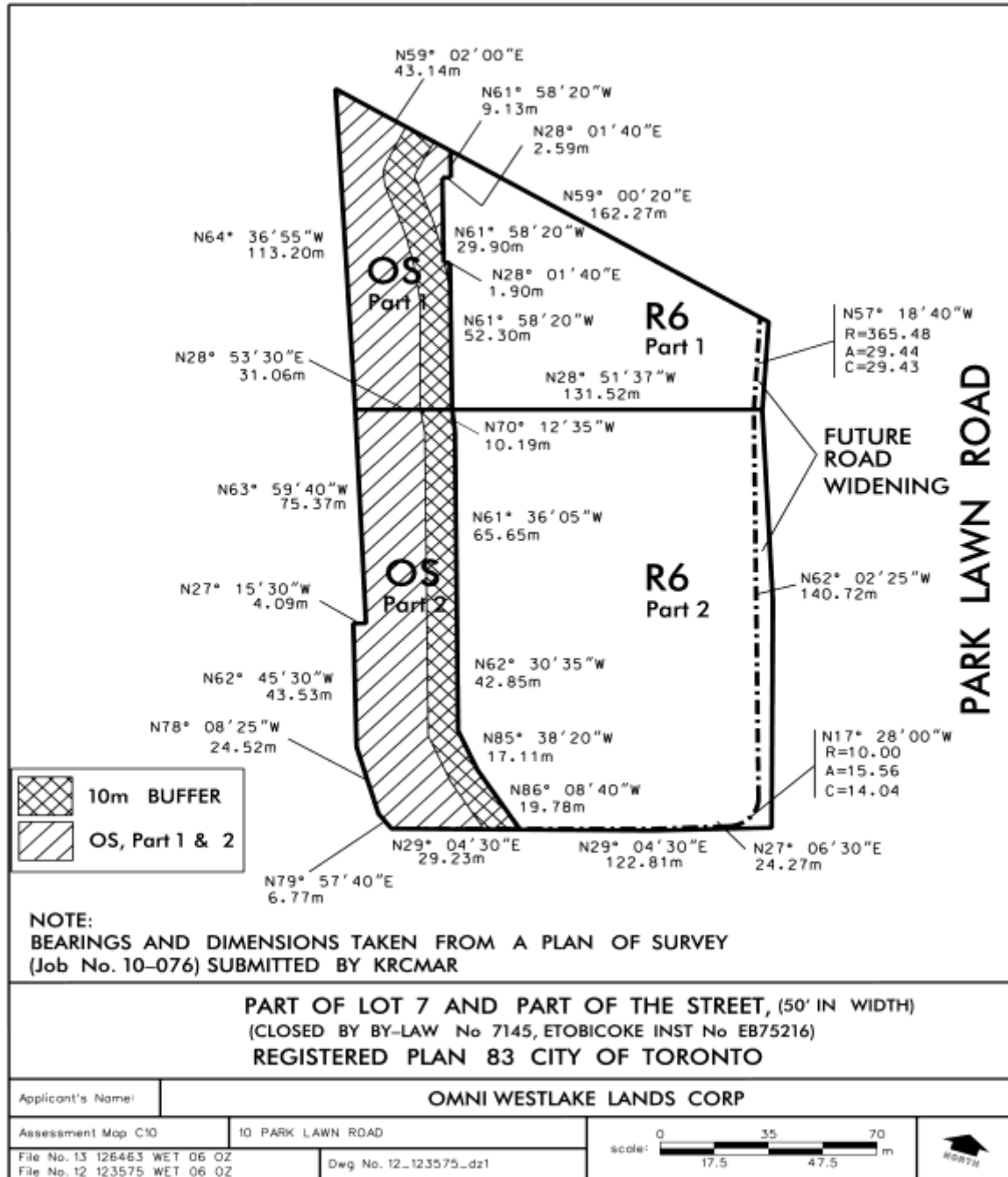
Enacted and passed on May 10, 2013.

Frances Nunziata,
Speaker

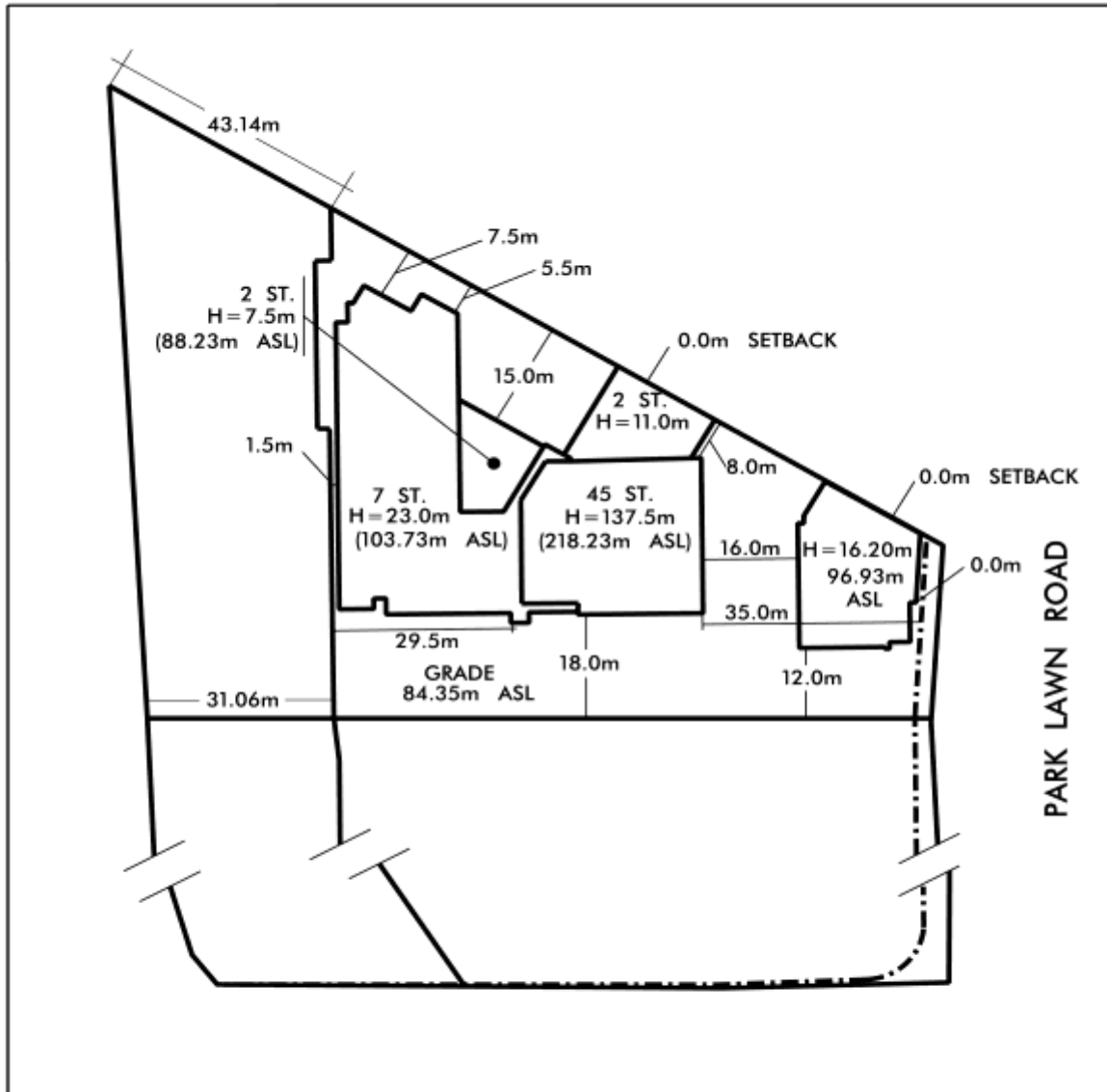
Ulli S. Watkiss,
City Clerk

(Seal of the City)

TORONTO Schedule 'A' BY-LAW



TORONTO Schedule 'B' BY-LAW



**PART OF LOT 7 AND PART OF THE STREET, (50' IN WIDTH)
 (CLOSED BY BY-LAW No 7145, ETOBICOKE INST No EB75216)
 REGISTERED PLAN 83 CITY OF TORONTO**

Applicant's Name:		OMNI WESTLAKE LANDS CORP	
Assessment Map C10	10 PARK LAWN ROAD		scale:
File No. 13 126463 WET 06 02 File No. 12 123575 WET 06 02	Dwg No. 12_123575_d22		