Authority: Etobicoke York Community Council Item 30.2,

as adopted by City of Toronto Council on February 19 and 20, 2014

CITY OF TORONTO

BY-LAW No. 137-2014

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to the lands municipally known as 42 Park Lawn Road.

Whereas authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

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

Whereas 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 (the "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 enacts:

1. 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 as described in Schedule 'A' as attached to this By-law from Industrial Class (IC.1) to Sixth Density Residential Holding (R6(H)) and Public Open Space (OS), provided the following provisions shall apply.

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:

2.1 *Grade* - shall mean the geodetic elevation of 86.0 metres;

- 2.2 *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;
- 2.3 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;
- 2.4 Lands shall mean the lands described in Schedule 'A' attached hereto;
- 2.5 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;
- 2.6 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;
- 2.7 TRCA 10 Metre Top of Bank Setback is located as illustrated on Schedule 'A'; and
- 2.8 *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', the uses permitted shall be limited to public parks and their related recreational facilities and conservation works uses provided that no buildings or structures are permitted.
- 4. The following development standards, subject to the removal of the Holding (H) Symbol pursuant to Section 5 of this By-law, 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:

- (a) Apartment building, *recreational amenity areas*, pedestrian walkways, conservation works;
- (b) 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;
- (c) A Temporary Sales Office; and
- (d) 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 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 purposes 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 shall be in accordance with Schedule 'B' with the exception 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 projection 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:

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

4.9 Loading Requirements

- (a) One type B loading space shall be provided, with dimensions of 11 metres in length by 4.5 metres in width, with a vertical clearance of 6.1 metres; and
- (b) One loading space for the proposed stand-alone commercial building shall be provided, 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 Zoning Code, the following area requirements shall apply to the *lands*:

- (a) 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;
- (b) Indoor Residential Amenity Space: a minimum of 2.0 square metres per dwelling unit; and
- (c) 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 as shown on Schedule 'A' 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:
 - (i) 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;
 - (ii) Provide a Ravine Stewardship Plan to the satisfaction of the City of Toronto, Urban Forestry, Ravine and Natural Feature Protection and the TRCA;
 - (iii) 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

- (iv) Prepare an Erosion and Sediment Control Plan to the satisfaction of TRCA.
- (c) The owner shall 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) The owner shall 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) The owner shall revise the Site Servicing Report and re-submit to the Executive Director, Engineering and Construction Services for review and acceptance.
- (g) The owner shall 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.
- (h) The owner shall 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 Holding (H) symbol, 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 Contribution

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. 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 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) Prior to the issuance of the first above grade building permit on the site, a \$500,000 payment towards improvements to the Mimico Creek Trail; and
- (b) Prior to the issuance of the first above grade building permit on the site, a payment of \$21,700 towards the construction of a pedestrian bridge on the Mimico Creek Trail.
- 6.2 The payments 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.
- In the event the cash contributions referred to in (a) and (b) above 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 shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the Planning Act to secure the matters required herein and such agreements are to be registered on title to the lot, and such agreements and registrations to be to the satisfaction of the City Solicitor.
- 7. Within the lands shown on Schedule 'A', 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:

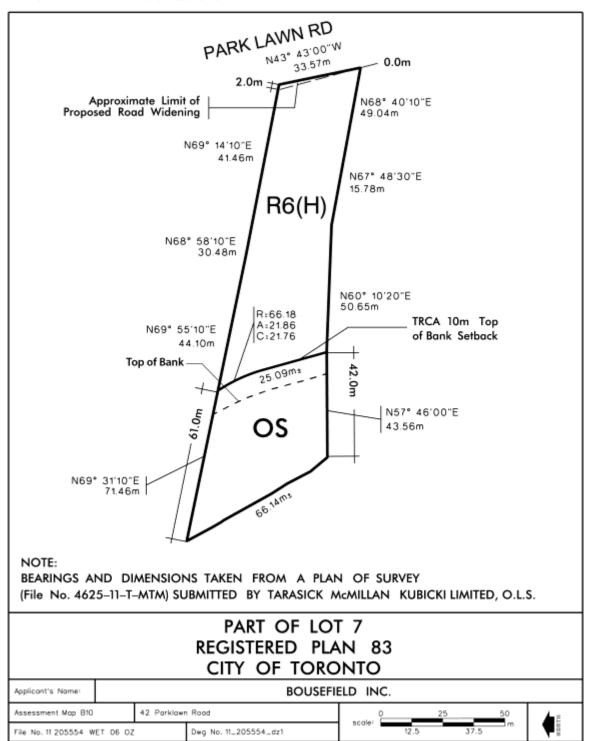
By-law Number and Adoption Date	Description of Property	Purpose of By-law
137-2014 February 20, 2014	Lands located on the west side of Park Lawn Road, north of Lake Shore Boulevard West, known municipally as 42 Park Lawn Road.	To rezone the property at 42 Park Lawn Road from Industrial Class 1 (IC.1) to Sixth Density Residential (R6) and Public Open Space (OS) to permit a residential/commercial development.

Enacted and passed on February 20, 2014.

Frances Nunziata, Speaker Ulli S. Watkiss, City Clerk

(Seal of the City)

TORONTO Schedule 'A' BY-LAW



TORONTO Schedule 'B' BY-LAW

