

# **10 Park Lawn Road - Official Plan Amendment Application and Zoning By-law Amendment Application - Final Report**

<b>Date:</b>	March 19, 2013
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 6 – Etobicoke-Lakeshore
<b>Reference Number:</b>	12 123575 WET 06 OZ and 13 126463 WET 06 OZ

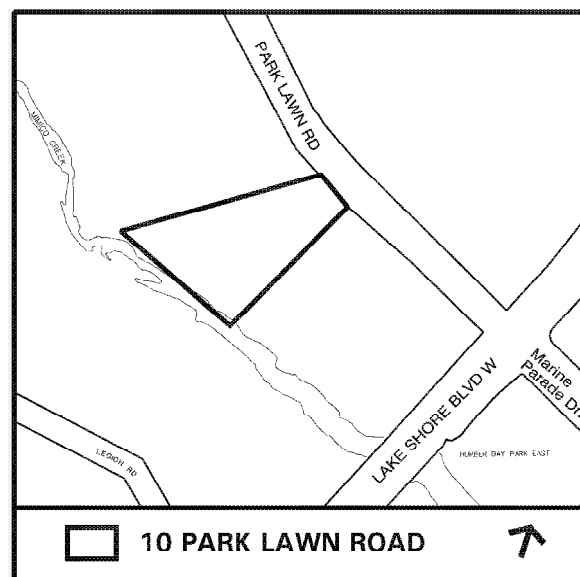
## **SUMMARY**

These applications propose to amend Official Plan Site and Area Specific Policy No. 303 and Zoning By-law 59-2011 (OMB) to permit the development of a two storey commercial building fronting Park Lawn Road with a 45-storey tower behind. This larger building would have a 7-storey base element containing commercial/residential uses and the tower would have a height of 138 m. The development would contain 1,230 m<sup>2</sup> of commercial uses and 523 units.

The rear of the site, which would be transferred to the ownership of the Toronto and Region Conservation Authority (TRCA), would be developed into a public trail, which abuts the Mimico Creek valley system.

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

This report recommends approval of these applications.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council amend Official Plan Site and Area Specific Policy No. 303 substantially in accordance with the draft Official Plan amendment attached as Attachment 6 to this report.
2. City Council amend City of Toronto By-law 59-2011 (OMB) substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 7 to this report.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan and Zoning By-law Amendments as may be required.
4. 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. A \$500,000 contribution towards improvements to Grand Avenue Park.
  - b. The following matters are 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 by Toronto City Council at its meeting held on October 26 and 27, 2009.
    - ii. 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.
    - iii. 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.
    - iv. 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.

5. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to submit an addendum to the revised Traffic Impact Study conducted by Lea Consulting dated August 28, 2012 to include additional analysis of the proposed traffic control signals and lane configuration on Park Lawn Road to the satisfaction of the Director, Transportation Services.
6. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to submit a Municipal Servicing Report to support the development to the satisfaction of the Director, Engineering and Construction Services.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The subject site is among four properties referred to as the Park Lawn Block. The Block includes 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 filed for two of the properties (2200 Lake Shore Boulevard West and 10 Park Lawn Road, and 60-80 Park Lawn Road). These applications proposed to re-designate and rezone the properties from *Employment* uses to *Mixed Use Areas* and from I.C1 – Industrial to CL – Limited Commercial, respectively. These applications were subsequently 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. This would provide for a consistent land use designation across all four properties on the Block.

OMB Decision 2919, dated October 18, 2006, re-designated the entire Block from *Employment* uses to *Mixed Use Areas*. The OMB further created a Site and Area Specific Policy No. 303 which was consolidated into the City's Official Plan in 2010 by By-law 1179-2010. Site and Area Specific Policy No. 303 allows a maximum of 2,194 residential units in the Block. At present, the Park Lawn Block is approved for 1,978 units.

The OMB also approved the Zoning By-laws for 2200 Lake Shore Boulevard West, 10 Park Lawn Road, and 60-80 Park Lawn Road. The OMB zoned the 10 Park Lawn Road site CL-Limited Commercial to reflect the existing 3-storey office building where Kraft was a tenant. Kraft subsequently moved into a building across Park Lawn Road on the Mr. Christie's site and this office building is presently vacant.

## ISSUE BACKGROUND

### Proposal

The most significant component of the proposal is the 45-storey residential tower which would be approximately 138 m in height. The tower would be positioned in the middle of the site, between Park Lawn Road and the Mimico Creek.

The proposed redevelopment concept has a total gross floor area of approximately 38,530 m<sup>2</sup> of which 1,230 m<sup>2</sup> would be commercial retail space and 37,300 m<sup>2</sup> would be residential space. A total of 523 residential units are proposed.

The applicant proposes 380 m<sup>2</sup> of ground floor retail space at the base of the residential tower. The base would further contain indoor and outdoor amenity space, and residential units on the upper floors.

There is also a single storey (double height) commercial building containing 850 m<sup>2</sup> of space proposed along Park Lawn Road frontage. It would frame the street in the same manner as other commercial buildings approved and proposed along the south side of Park Lawn Road to the east and west. This building would be separated at grade from the tower by a private driveway.

The private driveway would extend east through the site from a proposed signalized intersection at Park Lawn Road. This signalized intersection and driveway network is part of an overall transportation plan to consolidate intersections and to coordinate and minimize driveway accesses on Park Lawn Road. The driveway would extend west from the "mid-block" pedestrian and vehicle mixed use "village" shopping area in the first three phases of the Westlake development (to the east), and would provide access to and from the approved mixed-use redevelopments at 36 and 42 Park Lawn Road (to the west). The proposed retail space on the subject site is intended to frame the west edge of the shopping area within the overall Westlake design concept and would include limited convenience surface parking.

Parking would be provided in a four-level underground garage that extends to the property boundary except for the proposed open space buffer along the Mimico Creek valley system which will be conveyed to the Toronto and Region Conservation Authority. The underground parking garage would contain 637 parking spaces of which 585 would be provided exclusively for residents and 52 would be for retail/visitors. A total of 18 handicap spaces would be provided.

Approximately 985 m<sup>2</sup> of indoor amenity space for residents, including active and passive common space, would be provided together with approximately 1,042 m<sup>2</sup> of outdoor amenity space.

Approximately 393 bicycle parking spaces are to be provided for residents and visitors in both secure rooms (occupants), and accessible rooms at-grade and on the P1 level.

The Application Data Sheet in Attachment 5 provides additional information on the proposal.

### **Site and Surrounding Area**

The site has an area of approximately 0.97 ha and is located on the south side of Park Lawn Road, just west of Lake Shore Boulevard West. The site is generally triangular in shape and has approximately 32 m of frontage on Park Lawn Road and a variable depth of approximately 131 m on the east and 162 m on the west.

The site is occupied by a 3-storey office building which is well setback from the street and surrounded by surface parking. The office building is presently vacant and would be demolished as part of this redevelopment.

The site is relatively flat with grades generally falling from Park Lawn Road to the Mimico Creek valley. The rear portion of the site is steep and well treed, as it forms part of the Mimico Creek valley that traverses the entire Park Lawn Block.

The site is located within the larger Park Lawn 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. The adjacent land use and development context includes:

West: Recently approved 36-storey residential tower with 314 units and a commercial building on the Park Lawn frontage (36 Park Lawn Road), followed by a proposed 41-storey residential building proposal containing 345 units currently under review by City Planning (42 Park Lawn Road).

East: Three residential towers (37, 44 and 48 storeys), containing approximately 1,310 units and 5,862 m<sup>2</sup> of commercial retail space fronting both Park Lawn Road and Lake Shore Boulevard West.

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

South: The Mimico Creek valley system abuts the subject property to the south. Just south of Mimico Creek is a residential development on Lake Shore Boulevard West containing approximately 830 units in three towers (27, 36 and 44 storeys in height).

## **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 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.

Development criteria for *Mixed Use Areas* and other relevant policies of the Official Plan including Built Form, Parks and Open Space Areas, and Natural Heritage which provides the basis for the review of the application.

Map 15 – Land Use Plan of the Official Plan also designates a portion of the site *Natural Areas*. This portion of the site does not require an amendment to the Official Plan as the *Natural Areas* is being retained.

Site and Area Specific Policy No. 303 applies to the Block and provides the requisite planning policies for developing the Block, which includes a combination of residential and commercial uses. The number of residential units permitted in the Block is capped at 2,194.

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 currently zoned CL – Limited Commercial by By-law 59-2011 (pursuant to OMB Order No. 2919). In accordance with By-law 59-2011, the maximum gross floor

area (gfa) permitted on both 2200 Lake Shore Boulevard West and 10 Park Lawn Road is 92,175 m<sup>2</sup>. The CL zone allows for a wide range of commercial uses including business and professional offices.

The natural area portion at the south end of the site is shown as "Area Referred to in Section 4" in By-law 59-2011 (OMB).

### **Site Plan Control**

The proposed development is subject to site plan control. An application for Site Plan Approval has been submitted and is under review.

### **Southern Portion – Ravine Control**

The southern portion of the subject property is located adjacent to Mimico Creek and uses permitted shall be limited to public parks and their related recreational facilities and conservation works. 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.

### **Toronto and Region Conservation Authority**

The south portion of the site also falls within an area regulated by the Toronto and Region Conservation Authority (TRCA) under O/Reg. 166/06. A permit is required from TRCA for any development or site alteration within the regulated area. Through the site plan approval process, TRCA staff will review the proposal to ensure compliance with the concept of the Mimico Creek improvements. Approximately 30 m of land will be conveyed to the TRCA. Within this 30 m is a proposed 10 m buffer and 3 metre trail which is consistent with previously conveyed lands from other development proposals within the Park Lawn Block.

### **Tree Preservation**

The site is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 for Street Trees and Private Trees. The applicant has submitted an Inventory/Arborist Report that is currently under review. Details of the report will be reviewed through the site plan approval process.

### **Reasons for the Applications**

An Official Plan Amendment application is required as the Park Lawn Block presently has permissions for 1,978 residential units. The proposed development, containing 523 units is seeking 307 more units than the 2,194 units provided for by Site and Area Specific Policy No. 303. An Official Plan Amendment is required to increase the maximum number of residential units permitted in the Park Lawn Block to slightly more than 2,500 units.

A rezoning application is required as By-law 59-2011 (OMB) does not permit the proposed mixed use development, including residential uses.

A further amendment to By-law 59-2011 (OMB) is required to change the southern portion of the subject lands from '*Area Referred to in Section 4*' to *Open Space* 'OS'.

### **Community Consultation**

A community consultation meeting was held on June 26, 2012 and was attended by 28 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 how this road can accommodate additional traffic; and
2. Request for additional transit (the introduction of the light rail transit) to accommodate the additional population proposed in the area.

The transportation related matters are discussed further in this report.

### **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**

### **Consistency with Provincial Policy Statement and Provincial Plans**

The proposal is consistent with the Provincial Policy Statement. As a residential infill project it supports the policy objectives of focusing growth in existing settlement areas (intensification). The development promotes efficient land use, reduces land consumption related to residential development and utilizes existing services and infrastructure.

Council's planning decisions are required to be consistent with the Growth Plan for the Greater Golden Horseshoe. In this case, the proposal conforms and does not conflict with the Growth Plan. Section 2.2.2 of the 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 in a built up area, and the proposal is intensifying the use of 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 that the development proposal conforms to the intent of the *Mixed Use Areas* designation and its development criteria. The high-rise residential use of this land is appropriate as it is compatible with the surrounding and future planned context and built form. The development would have good access to parks, trails and nearby community



facilities and institutions. The commercial building fronting Park Lawn Road would also meet the objectives of providing an adequate buffer and transition between the existing industrial property to the north and residential uses to the west. Additionally, it would support the vision of increasing commercial and retail uses for area residents along Lake Shore Boulevard West and Park Lawn Road.

A portion of the site is designated *Natural Areas* in the Official Plan. As noted earlier, a 30 m setback from the residential portion of the site to the Mimico Creek valley will be conveyed to the TRCA which will include the 10 m buffer and 3 m trail.

### **Density, Height and Massing**

Redevelopment in *Mixed Use Areas* should demonstrate an appropriate form of development and 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 45 storeys in height, the proposal fits with the scale of taller residential buildings built, approved or proposed within Humber Bay Shores and the Park Lawn Road Block. The unique design of the tower with its undulating facades would provide a consistent, high-quality design and contribute to supporting a diversity of building forms.

The floor plate of the tower portion would be approximately 750 m<sup>2</sup> and is integrated with a terraced 7-storey base building. The size of the proposed floor plate would meet the Tall Building Guidelines.

The proposed density of 3.9 times the lot area, with a total of 523 residential units, is consistent with other residential developments approved in the immediate area of the subject property.

The application proposes that the density be deployed away from the newly created trail system, and the Mimico Creek valley system. A 30 m setback is proposed from the 7-storey base to the 'OS' Open Space on the south side of the property. This proposed setback would provide a significant transition to the existing 'OS' Open Space area.

The separation distance between the tower faces of 36 Park Lawn Road and 10 Park Lawn Road is proposed at 26.4 m and meets the Tall Buildings Guidelines of 25 m for tower separation. The separation distance between the new tower at 10 Park Lawn Road and 2200 Lake Shore Boulevard West also meets the Tall Buildings Guidelines of 25 metres.

The massing of the tower meets the 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 and Wind**

Section 3.1.3 (Built Form – Tall Buildings) and 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 has submitted a Shadow Analysis that indicates the proposed 45-storey building would introduce additional shadow impact on the neighbouring properties designated *Mixed Use Areas* and *Natural Areas*.

During the March 21/September 21 condition, 2200 Lake Shore Boulevard West buildings cast the same shadows as the subject building would from 9:18 a.m. through to 11:18 a.m. The proposed 45-storey building at 10 Park Lawn Road would cast additional shadow of approximately 1 hour starting at 11:18 a.m. over 36 Park Lawn Road and from 12:18 p.m. to 5:18 p.m. on the adjacent Mr Christie's site.

During the June 21 condition, the proposed building would cast a shadow onto the *Natural Areas* just west of the site at 9:18 a.m. and cast limited shadows on the site and on a small portion of 36 Park Lawn Road from 11:18 a.m. to 12:18 p.m. From 12:18 p.m. to 5:18 p.m. the shadow would generally be on Park Lawn Road or on a small portion of the Mr. Christie's site.

Staff are of the opinion that the shadow impacts on the *Natural Areas* to the south along the Mimico Creek, the *Mixed Use Areas* west of the site and on the Mr Christie's site to the north are acceptable. The approved three residential towers at 2200 Lake Shore Boulevard West will shadow the same length and time as the proposed 10 Park Lawn Road on the *Natural Areas*, *Mixed Use Areas* and on the Mr. Christie's site.

## **Wind Analysis**

The applicant has submitted a Wind Analysis of the conditions that could be created by the proposed building. The analysis concludes that the wind conditions around the base of the proposed development would generally be acceptable for most pedestrian activities. As a result, no mitigation is required or recommended at grade level around the development.

Wind conditions for the proposed seventh level outdoor amenity areas are generally acceptable throughout the year for standing and strolling with minor mitigation matters for the spring and fall seasons, depending on the intended use of the outdoor amenity space. Screening of this outdoor amenity space will be reviewed during the site plan approval process.

Staff are satisfied with the conclusions of the Wind Analysis and recommend that any mitigation measures required be implemented through the site plan approval process.

### **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 the conclusions are generally acceptable and the subject proposal will not significantly impact the area road network. With the proposed new traffic signal on Park Lawn Road, and the proposed redesign of the existing Park Lawn Road and Lake Shore Boulevard West signalized intersection (including an exclusive eastbound right turn lane on Park Lawn Road), traffic operations on Park Lawn Road should not be impacted.

Transportation Services staff are requesting an addendum to the Traffic Impact Study to address minor issues with respect to the analysis of the proposed traffic signal adjacent to this site on Park Lawn Road.

Transportation Services staff have further reviewed the parking standards for this proposal and recommend the following 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;
- Dwelling units with three or more bedrooms: 1.20 spaces per dwelling unit; and
- Residential visitor parking: 0.20 spaces per dwelling unit.

These parking requirements have been included in the draft Zoning By-law. Subject to the submission of an addendum to the Traffic Impact Study, Transportation Services have no objection to the proposal. This is reflected in Recommendation 5 of this report requiring this matter be addressed prior to introducing the necessary Bills to City Council for enactment.

### **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 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 between Kipling Avenue and downtown during the 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 the future relocation of the Humber Streetcar loop to Park Lawn Road to improve streetcar frequency and service to the Humber Bay Shores community. The timing for the implementation of the Park Lawn loop is unknown at this time.

At its meeting of November 27, 2012 City Council directed staff to undertake a Comprehensive Transportation Masterplan for the Park Lawn Road/Lake Shore Boulevard West area, given the announcement by Mondelez Canada that it would close the Christie plant in the third quarter of 2013. Staff will be reporting to the Public Works and Infrastructure Committee on the scope, timing and costs of undertaking a Comprehensive Transportation Master Plan. This study will review, among other things, opportunities to relieve traffic operational issues at the Park Lawn Road/Lake Shore Boulevard West intersection.

## **Servicing**

Engineering and Construction Services staff are generally satisfied that existing City servicing infrastructure has adequate capacity to support the development proposal. The applicant is required to make a financial contribution toward the required sanitary sewer upgrade along Park Lawn Road to accommodate the ultimate build-out of the entire service area of the Park Lawn Road sanitary sewer system. The cost to upgrade this municipal service will be borne by the applicant and will be secured through the site plan approval process.

Staff have advised, however, that additional servicing analysis is required. This is reflected in Recommendation 6 of this report requiring this matter to be addressed prior to introducing the necessary Bills to City Council for enactment.

Additional requirements will be secured through the site plan approval process, including a site servicing plan, grading plan, and stormwater management report for review and acceptance by the Director, Engineering and Construction Services.

## **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 523 residential units and 1,230 m<sup>2</sup> of commercial space on a site of 0.9 hectares. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication would be 0.69 ha or 75 % 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 931 m<sup>2</sup> while the commercial component would generate a parkland requirement of 7 m<sup>2</sup>. The combined parkland dedication requirement would be 938 m<sup>2</sup>.

A proposed park with an area of 938 m<sup>2</sup> would provide insufficient amenity space to support this development and be ineffective in this location. 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 will be determined at the time of issuance of the building permit.

## **Streetscape**

The proposed development provides a building mass that would appropriately frame the edge of the street. The site plan approval process will finalize details to provide adequate room for pedestrian amenity, landscaping and tree planting, and should result in an attractive, comfortable and safe pedestrian environment, and appropriately located vehicular access.

## **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 standards 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.

## **Tenure/Units**

The proposed development is intended to be a common element condominium. The applicant will be required to submit an application for a common element condominium should these applications be approved.

## **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 owner and Ward Councillor as outlined below.

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. A \$500,000 contribution towards improvements to Grand Avenue Park.
- b. The following matters are 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 by Toronto City Council at its meeting held on October 26 and 27, 2009.

- ii. 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.
- iii. 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.
- iv. 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.

## **CONTACT**

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## **SIGNATURE**

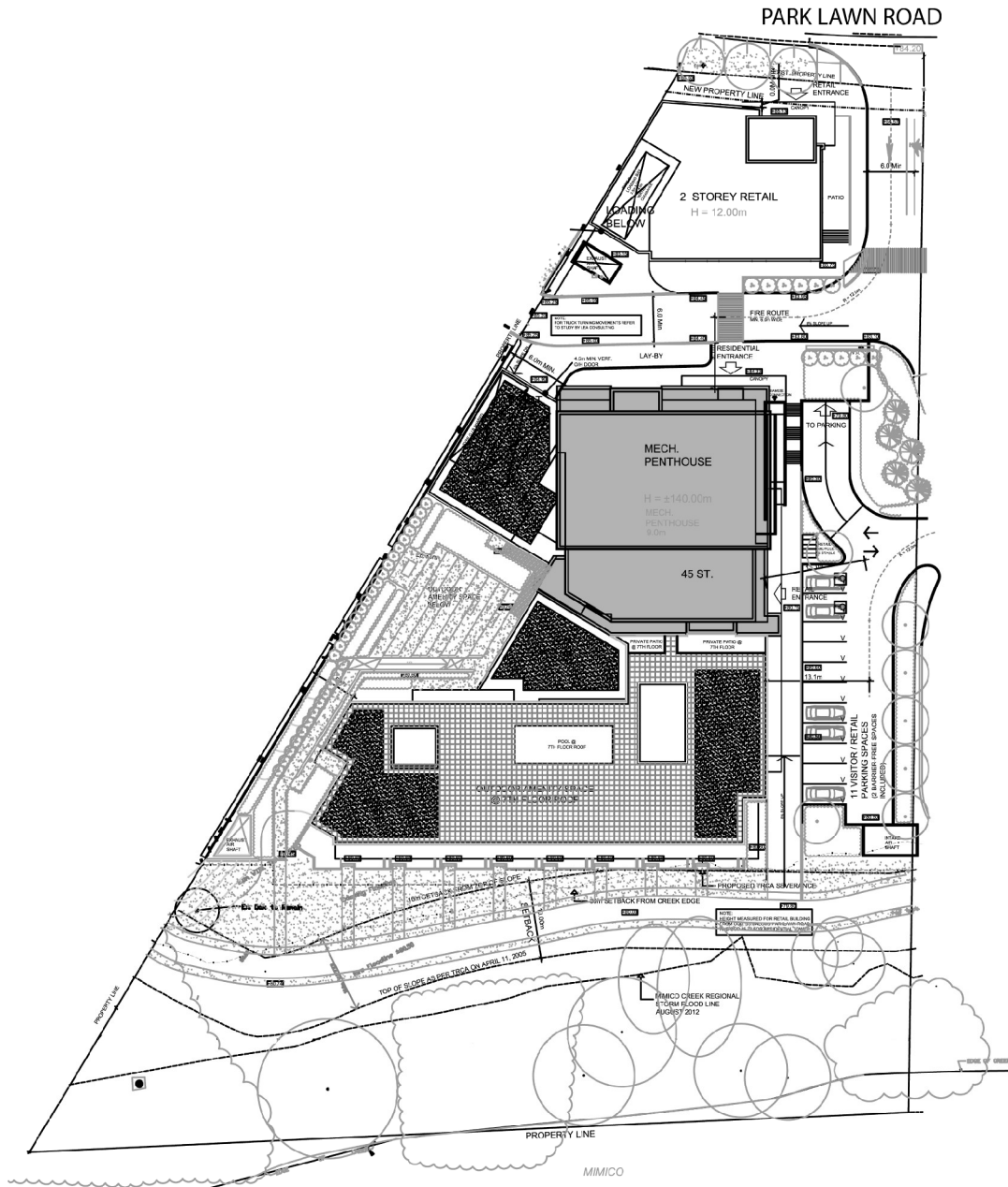
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Neil Cresswell, MCIP, RPP  
Director, Community Planning  
Etobicoke York District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2a: North Elevation  
Attachment 2b: South Elevation  
Attachment 2c: East Elevation  
Attachment 2d: West Elevation  
Attachment 3: Zoning  
Attachment 4: Official Plan  
Attachment 5: Application Data Sheet  
Attachment 6: Draft Official Plan Amendment  
Attachment 7: Draft Zoning By-law Amendment

## Attachment 1: Site Plan



### Site Plan

Applicant's Submitted Drawing

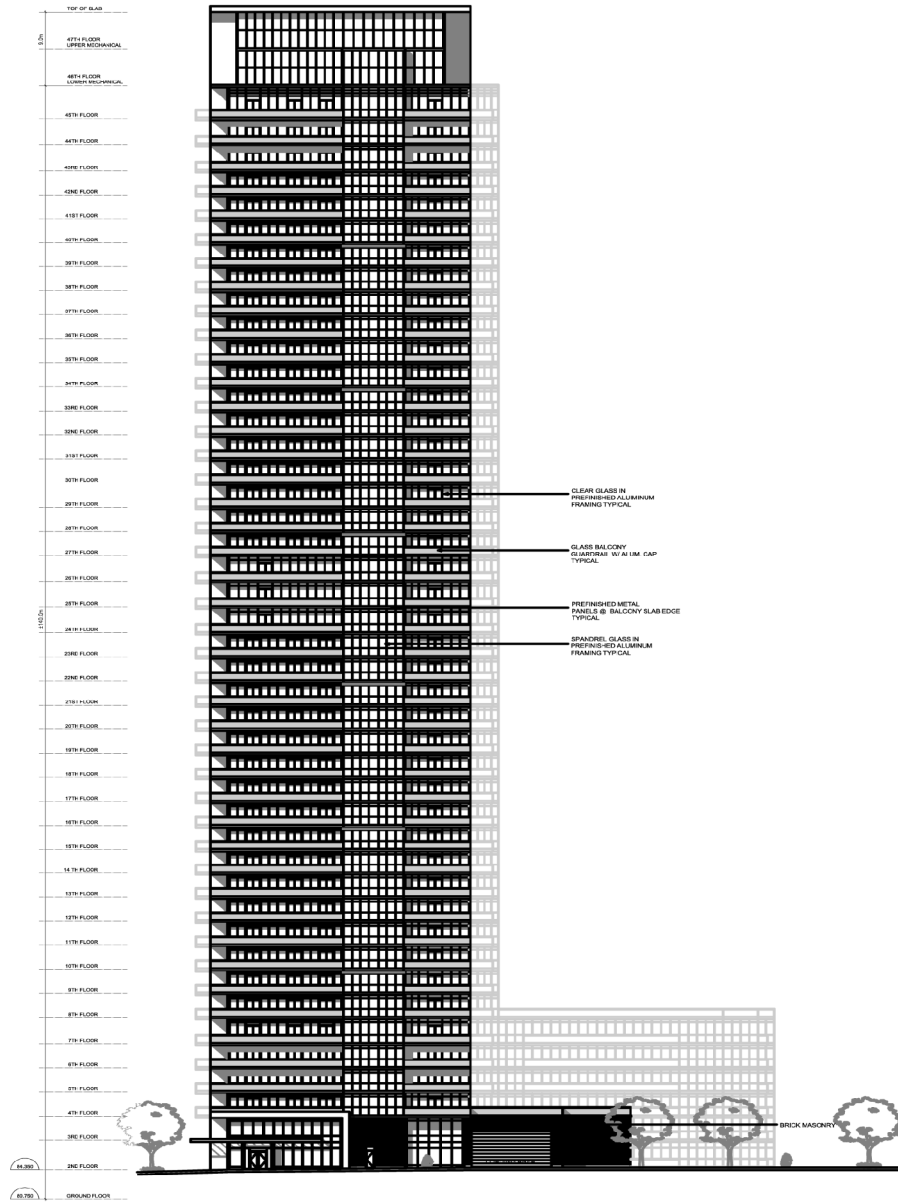
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10 Park Lawn Road

File # 13 126463 WET 06 02  
12 123575 WET 06 02

## Attachment 2a: North Elevation



North Elevation along Private Road

### Elevations

Applicant's Submitted Drawing

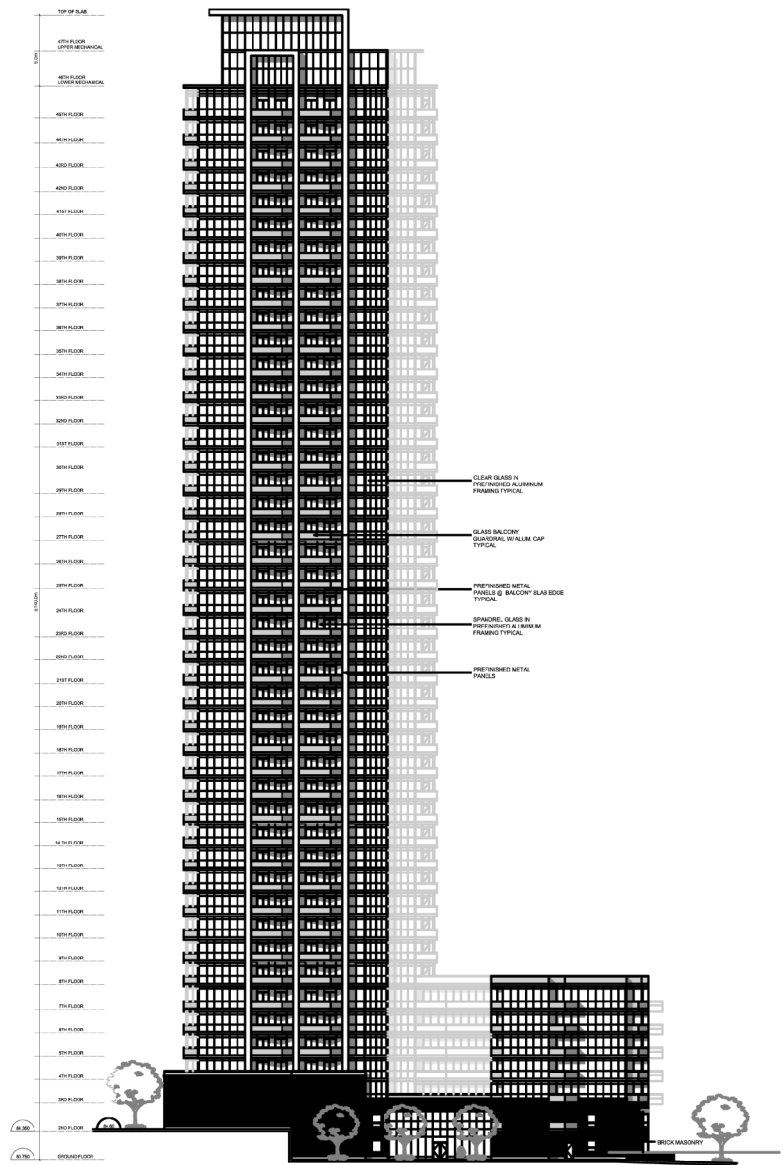
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10 Park Lawn Road

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Attachment 2b: South Elevation



South Elevation

**Elevations**

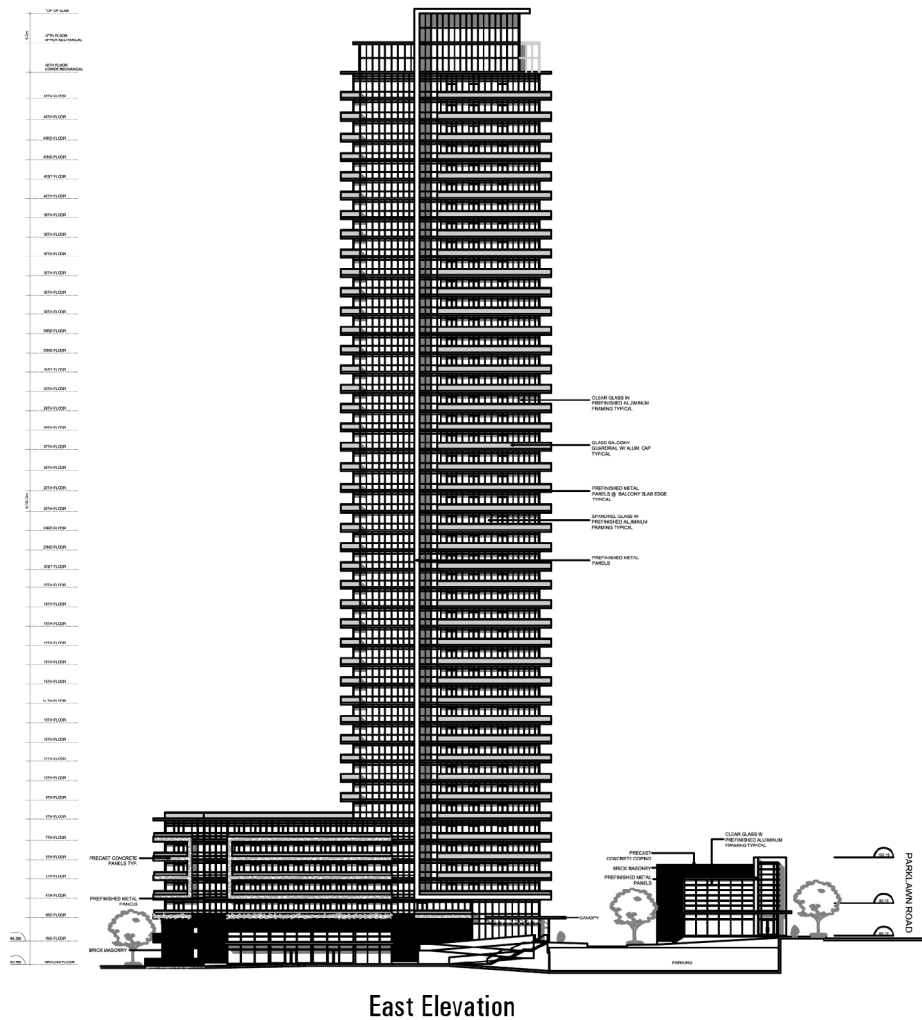
Applicant's Submitted Drawing

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**10 Park Lawn Road**

File # 13 126463 WET 06 0Z  
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## Attachment 2c: East Elevation



### Elevations

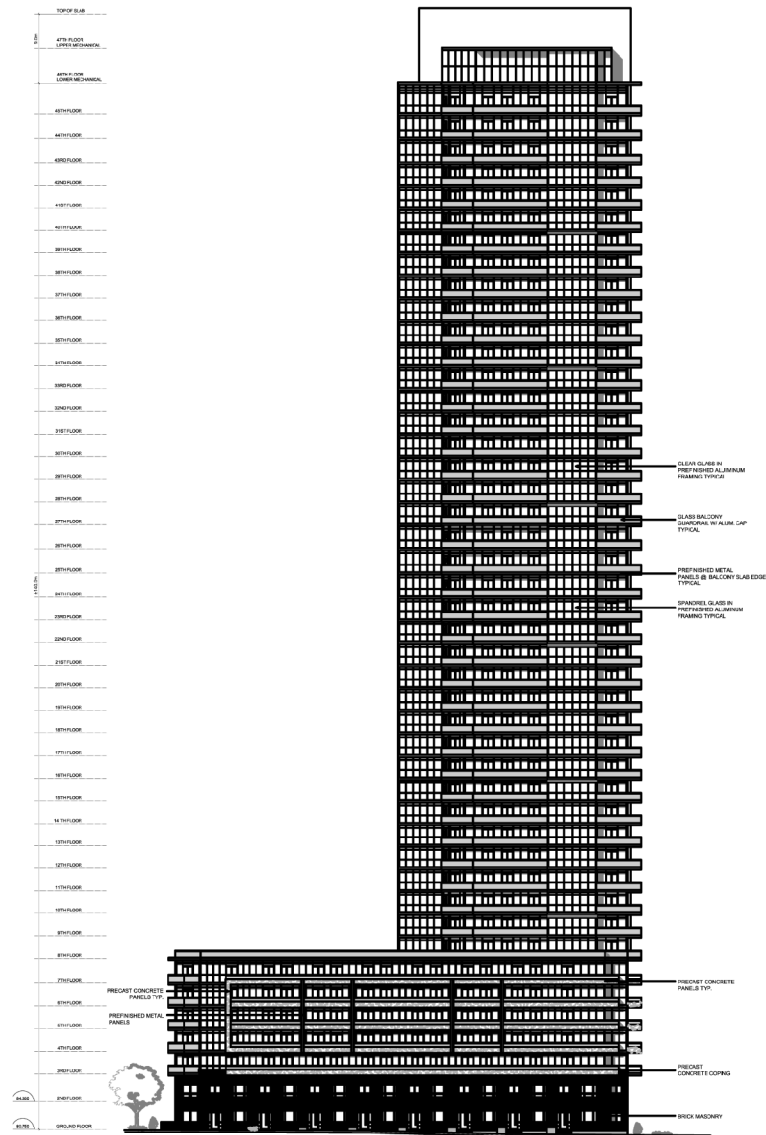
Applicant's Submitted Drawing

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10 Park Lawn Road

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## Attachment 2d: West Elevation



West Elevation

### Elevations

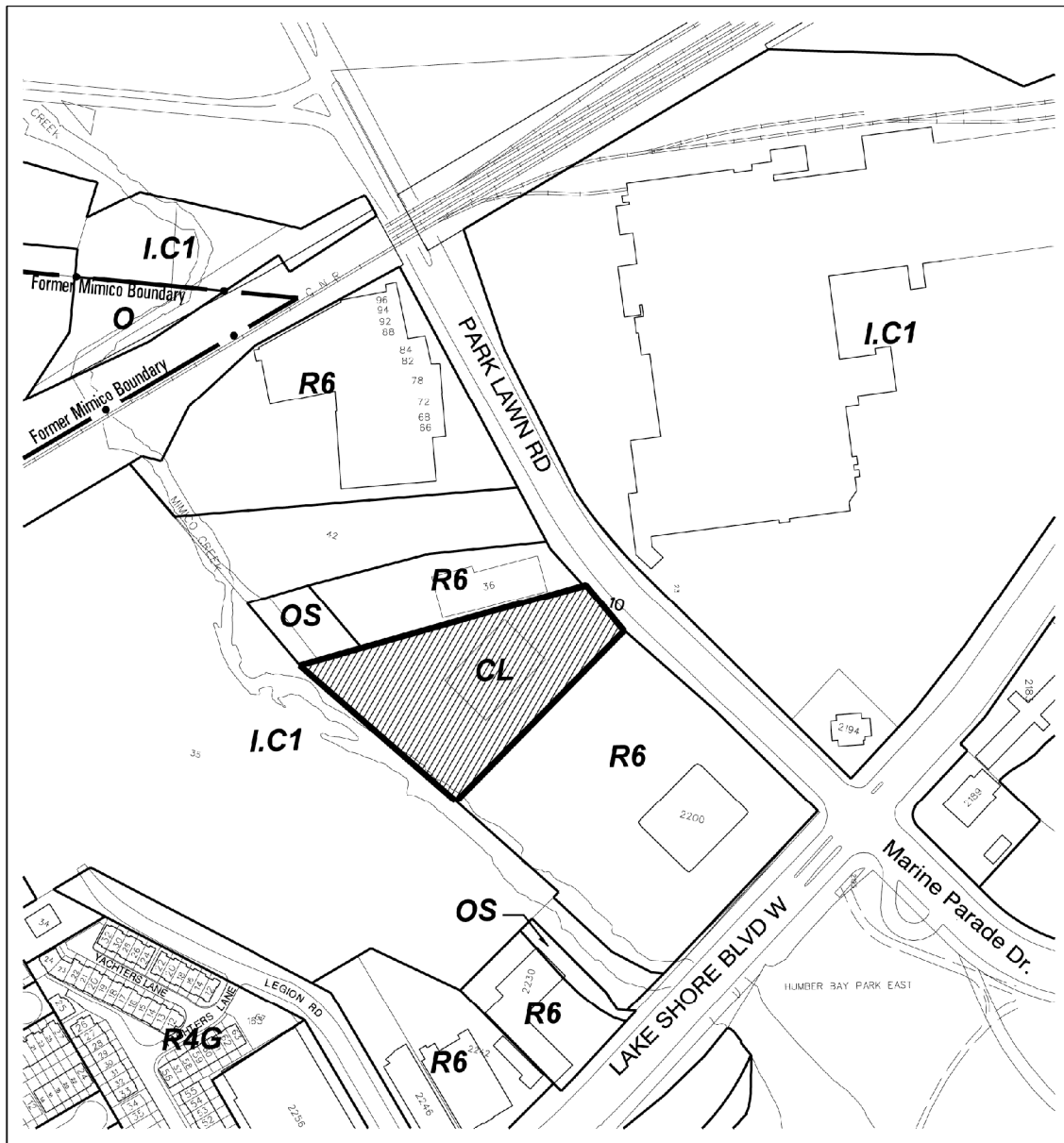
Applicant's Submitted Drawing

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12 123575 WET 06 02

### Attachment 3: Zoning



**Toronto** City Planning  
Zoning

**10 Park Lawn Road**  
File # 13 126463 WET 06 02  
12 123575 WET 06 02

Former Etobicoke By-law 11,737  
R4G Residential Fourth Density Group  
R6 Residential Sixth Density  
CL Commercial Limited  
I.C1 Industrial Class 1

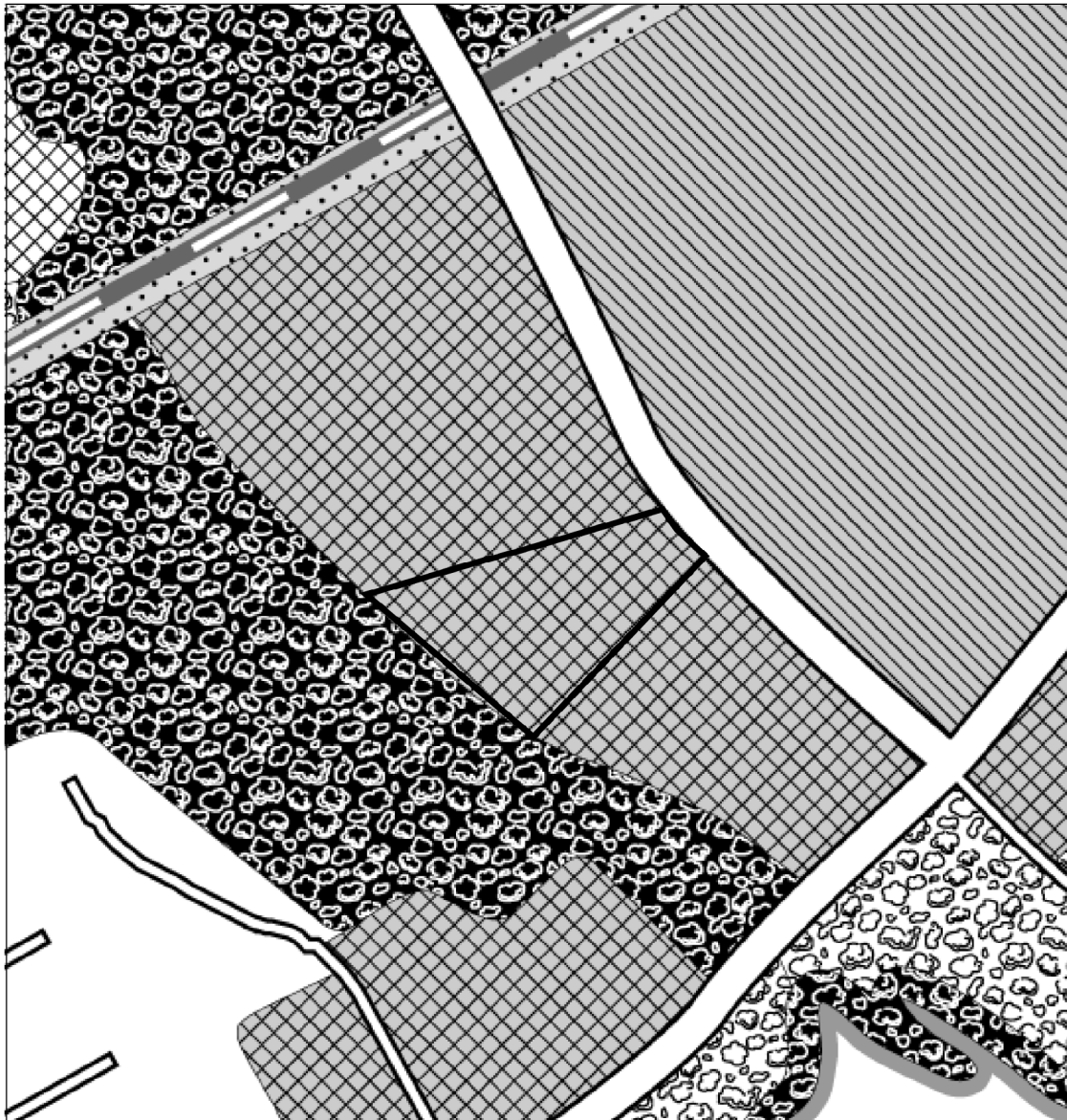
OS Public Open Space

Former Mimico By-law 1930  
O Temporary Open Space



Not to Scale  
Zoning By-law 11,737 as amended  
Extracted 03/07/2012

## Attachment 4: Official Plan



**Toronto** City Planning  
Official Plan

10 Park Lawn Road

File # 13 126463 WET 06 02  
12 123575 WET 06 02

	Site Location		Natural Areas		Institutional Areas		Utility Corridors
	Neighbourhoods		Parks		Regeneration Areas		
	Apartment Neighbourhoods		Other Open Space Areas		Employment Areas		
	Mixed Use Areas						

↑  
Not to Scale  
10/29/12

### Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment	Application Number:	13 126463 WET 06 OZ
	Rezoning Amendment		12 123575 WET 06 OZ
Details	Complex	Application Date:	February 16, 2012
Municipal Address:	10 PARK LAWN ROAD		
Location Description:	PLAN 83 PT LOT 7 RP 64R8929 PARTS 1 2 & 3 **GRID W0608		
Project Description:	Proposed amendments to Site and Area Specific Policy No. 303 and Zoning By-Law No. 59-2011 (OMB) to permit the development of a 45 storey mixed-use building (commercial at grade and 523 residential condominium units) with underground parking.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Mr Marc Nufrio	Mr Marc Nufrio	Page and Steele	Onni Group
Onni Group	Onni Group	95 St. Clair West	35 Grand Magazine Street
35 Grand Magazine Street	35 Grand Magazine Street	Suite 200	Toronto, ON, M5V 0E8
Toronto, ON, M5V 0E8	Toronto, ON, M5V 0E8	Toronto, ON M4V 1N6	Same as Applicant

#### PLANNING CONTROLS

Official Plan Designation:	Natural Areas	Site Specific Provision:
		Policy 303
Zoning:	CL-Limited Commercial	Historical Status: N/A
Height Limit (m):	N/A	Site Plan Control Area: Y

#### PROJECT INFORMATION

Site Area (sq. m):	9621	Height:	Storeys:	45
Frontage (m):	31.5		Metres:	137.5
Depth (m):	131.5			
Total Ground Floor Area (sq. m):	2975			<b>Total</b>
Total Residential GFA (sq. m):	37300		Parking Spaces:	637
Total Non-Residential GFA (sq. m):	1230		Loading Docks	2
Total GFA (sq. m):	38530			
Lot Coverage Ratio (%):	30.6			
Floor Space Index:	3.9			

#### DWELLING UNITS

#### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		<b>Above Grade</b>	<b>Below Grade</b>
Rooms:	0	Residential GFA (sq. m):	37300	0
Bachelor:	1	Retail GFA (sq. m):	1230	0
1 Bedroom:	283	Office GFA (sq. m):	0	0
2 Bedroom:	239	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	523			

**CONTACT:      PLANNER NAME:      Michael Hynes, Senior Planner      Telephone: 416-394-8338**

## **Attachment 6: Draft Official Plan Amendment**

Authority: Etobicoke and York Community Council Report No. \_\_\_\_\_, Clause No. \_\_\_\_\_ as adopted by City of Toronto Council on \_\_\_\_\_, 2013.

**Bill No. CITY OF TORONTO**

**By-law No. \_\_\_\_\_-2013**

**To adopt Amendment No. 215 to the City of Toronto Official Plan, Site and Area Specific Policy 303, respecting lands bounded by Park Lawn Road, Lake Shore Boulevard West, Mimico Creek Valley and the Canadian National Railway (Park Lawn Block)**

WHEREAS authority is given to Council by 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*;

NOW THEREFORE, the Council of the City of Toronto HEREBY ENACTS as follows:

1. Amendment No. 215 to the City of Toronto Official Plan, consisting of the attached hereto, is hereby adopted.
2. This is Amendment No. 215.
3. This By-law shall come into force and effect on the day of the final passing thereof.

ENACTED AND PASSED this day of, A.D. 2013.

ROB FORD  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

AMENDMENT NO. \_\_\_\_

TO THE CITY OF TORONTO OFFICIAL PLAN

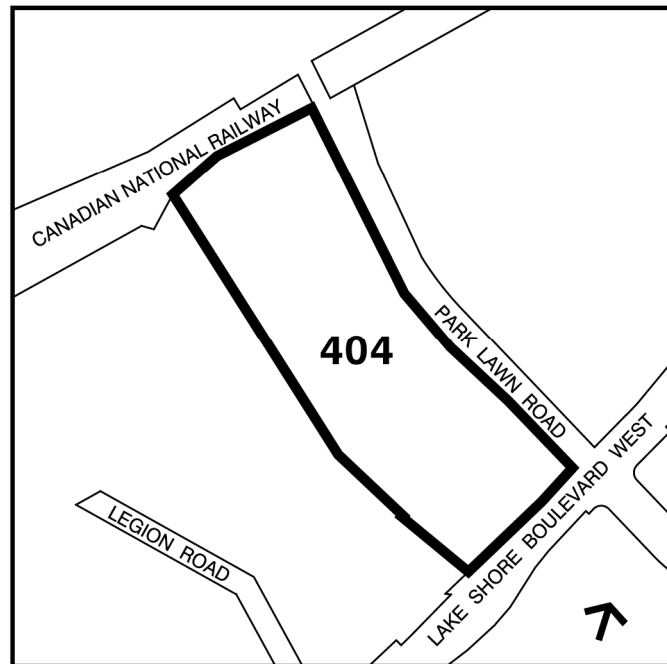
To adopt Amendment No. 215 to the City of Toronto Official Plan, Site and Area Specific Policy 303 Subsection c), respecting lands bounded by Park Lawn Road, Lake Shore Boulevard West, Mimico Creek Valley and the Canadian National Railway (Park Lawn Block).

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7 of the City of Toronto Official Plan Site and Area Specific Policy 303 Subsection c) is hereby amended by deleting Site and Area Specific Policy 303 Subsection c) and replacing it with the following:

**404. Lands Bounded by Park Lawn Road, Lake Shore Boulevard West, Mimico Creek Valley and the Canadian National Railway (Park Lawn Block)**

- c) A maximum of 2,510 residential units will be permitted and the maximum floor space for office/retail uses will be 27,750 m<sup>2</sup>.





## **Attachment 7: Draft Zoning By-law Amendment**

**Bill No.**

**CITY OF TORONTO**

**BY-LAW No. - 2013**

**To further amend site-specific Zoning By-law No. 59-2011 (OMB) with respect to lands on Schedule 'A' of By-law 59-2011 (OMB) 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;

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*;

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

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. 11,737, and attached to Schedule 'A' of Zoning By-law 59-2011(OMB) is hereby amended to rezone only the lands with the zone symbol Limited Commercial 'CL', Area Referred to in Section 4 of Zoning By-law 59-2011 (OMB) to a split zone Sixth Density Residential 'R6' Part 1 and Open Space 'OS' Part 1 as described in Schedule 'A' annexed 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. 11,737, and attached to Schedule 'A' to Zoning By-law 59-2011(OMB) is hereby amended to rezone a portion of the lands zoned Sixth Density Residential 'R6', Area Referred to in Section 4 of Zoning By-law 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 59-2011 (OMB).
3. Notwithstanding By-law 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 59-2011 (OMB), Sections 320-18, Article VX111 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 a 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 m<sup>2</sup>.
  - d) The *non-residential gross floor area* shall not exceed 1,230 m<sup>2</sup>.
  - e) The combined *residential gross floor area* and *non-residential gross floor area* shall not exceed 38,530 m<sup>2</sup>.
  - 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:
- (a) A minimum of 156 *visitor-bicycle parking spaces* shall be provided and maintained on the ground floor of the building containing *residential gross floor area*.
  - (b) A minimum of 237 *occupant-bicycle parking space* shall be provided and maintained on the ground floor of a building containing *residential gross floor area*.
  - (c) *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 m<sup>2</sup> of indoor *Recreational Amenity Area* shall be provided and maintained in the residential building.
  - l) A minimum of 1,042 m<sup>2</sup> 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 80.73 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* – the aggregate of the areas of each floor and the space occupied by walls and stairs, above *grade*, of a residential building or the residential portion of a mixed use building, measured between the exterior faces of the exterior walls of the building or structure. The following areas shall be excluded: Mechanical Area and Common or Public Amenity Area.
  - (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.
  - (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 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 13.0 metres, a maximum width of 4.0 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 11.0 metres, a maximum width of 3.5 metres and a vertical clearance of at least 3.0 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 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.
9. Where the provisions of the 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.

<b>BY-LAW NUMBER AND ADOPTION DATE</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>PURPOSE OF THE BY-LAW</b>
____ - 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
____ - 2013		

ENACTED AND PASSED this \_\_ day of April A.D. 2013.

ROB FORD,  
Mayor

ULLI S. WATKISS  
City Clerk

