

Authority: Toronto West Community Council Report No. 1, Clause No. 43, adopted as amended, by City of Toronto Council at its Special meeting held on January 30 and February 12, 2004

Enacted by Council: May 20, 2004

## **CITY OF TORONTO**

### **BY-LAW No. 453-2004**

#### **To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to the subject lands known as 75 Lemonwood Drive.**

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*;

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

1. That the Zoning Map referred to in Section 320-5, Article II of the Zoning Code, originally attached to Township of Etobicoke Zoning By-law No. 11737, as amended, be and the same is hereby amended by changing the classification of the lands shown as Group Area Fourth Density Residential (R4G) in Part 1 of Schedule 'A' attached hereto from Fifth Density Residential (R5) to Group Area Fourth Density Residential (R4G); and, affirming the Fifth Density Residential (R5) classification on Part 2 in Schedule 'A' attached hereto.
2. Notwithstanding Section 320-71, Article XV1 of the Zoning Code, the following development standards shall now be applicable to Part 1 of the lands described in Schedules 'A' and 'B' attached hereto:
  - (a) The minimum building setbacks, and parking area setbacks shall be not less than the measurements shown on Schedule 'B' attached hereto;
  - (b) The minimum distance between buildings shall not be less than 2.4 metres;
  - (c) The maximum number of townhouse dwelling units shall not exceed 75;
  - (d) The maximum lot coverage shall not exceed thirty-five per cent (35%) of the area;
  - (e) The minimum landscaped open space shall be not less than twenty-nine per cent (29%) of the lot area;
  - (f) The maximum building height shall be 3 storeys not exceeding 10.0 metres taken from the average grade at the front elevation of each unit facing either a public street or private road;

- (g) The minimum parking required shall be 2.2 spaces per unit, comprised of: 1.0 space within a private garage measuring not less than 3.16 metres in width and an overall area of not less than 18 square metres; 1.0 space may be a parking space located in the front of the private garage door measuring not less than 2.7 metres by 6.0 metres; and not less than 0.2 spaces per unit shall be located elsewhere on the lot for visitors.
3. Section 320-73 Article XV11 of the Zoning Code shall be amended to include the following uses; Senior Citizens' Retirement Home Facility and Long Term Care Facility
4. (a) Notwithstanding Section 320-73, Article XVII of the Zoning Code, the uses permitted on Part 2 of the lands described in Schedules 'A' and 'B' attached hereto shall be restricted to the following; Senior Citizens' Retirement Home Facility and Long Term Care Facility.
- (b) For the purposes of this By-law Amendment, applicable only to Part 2 of the lands described in Schedules 'A' and 'B' attached hereto, the following definitions shall apply:
- (i) **“Senior Citizens' Retirement Home Facility”:**
- Means a building or structure containing units designed primarily for seniors, which may include bedrooms, sitting rooms and area and ensuite washrooms and where common facilities are provided for the preparation and consumption of food.
5. Notwithstanding Section 320-73, Article XV11 and Section 320-18 (2)(d) of the Zoning Code, the following development standards shall now be applicable to Part 2 of the lands described in Schedules 'A' and 'B' attached hereto;
- (a) A maximum of two buildings are permitted as follows:
- (i) One, 7 storey Senior Citizens' Retirement Home Facility or Long Term Care Facility, containing not more than 103 units, not exceeding 24 metres in height; and,
- (ii) One, 11 storey Senior Citizens' Retirement Home Facility or Long Term Care Facility, containing not more than 156 units, not exceeding 35 metres in height
- (iii) Building height will be measured from the average grade at the front elevation of each building facing either a public street or private road:
- (b) The minimum building setbacks and parking area setbacks shall be not less than the measurements shown on Schedule 'B' attached hereto;
- (c) The minimum lot frontage on Mulham Place shall be 9.0 metres;
- (d) The maximum lot coverage shall not exceed thirty per cent (30%) of the lot area;

- (e) The minimum landscaped open space shall be not less than forty per cent (40%) of the lot area;
  - (f) Notwithstanding Section 320-18 of the Zoning Code, the total number of parking spaces shall be a minimum of 90, comprised as follows: not less than 54 for the 11 storey building and not less than 36 for the 7 storey building.
  - (g) The maximum gross floor area permitted shall not exceed 18, 271 square metres.
6. The owner of the lands set out in Schedule 'A' shall at its expense enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to secure the facilities, services and matters referred to below, which agreement or agreements shall be registered as a first charge against the title of the lands to which this By-law Amendment applies.

The owner of the subject lands, in accordance with, and subject to the agreements referred to above, shall provide at its expense 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 in this By-law Amendment.

- (l) provides and maintains not less than 74 replacement rental townhome dwelling units on the site subject to the following:
  - (a) the rental replacement units shall be maintained as conventional rental units for not less than 20 years, beginning with the date that each unit is first occupied. If the realty tax rate were to increase such that the owner is paying more tax than it would if the rental replacement townhomes were registered as a condominium, the owner will have the right to make application for draft plan of condominium approval provided that despite such application or approval the 74 rental replacement units shall remain available for rental until the end of such 20 year period.
  - (b) All of the rental replacement units shall be ready and available for occupancy on or before the date of the first occupancy of any other dwelling unit or other accommodation to be erected on the site after the date of enactment of this By-law Amendment;
  - (c) at least 56 of the rental replacement units shall have affordable rents as follows:
    - (i) the owner of the site shall provide and maintain affordable rents charged to the tenants who rent each of the 56 affordable replacement dwelling units during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the October, 2002 Canada Mortgage and Housing Corporation Rental Market Survey average City of Toronto rent

by unit type for row houses plus annual statutory guideline increases until occupancy, plus a one-time allowance of 4%, and subject to such other adjustments as may be set forth in the Section 37 agreement, and upon turn-over, the rent charged to any new tenant shall not exceed the most recently reported Canada Mortgage and Housing Corporation Rental Market Survey average City of Toronto rent by unit type for row houses, and over the course of the 10 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases; and

- (ii) the balance of the rental replacement units shall have rents which do not exceed mid-range rents, as follows,

the owner of the site shall provide and maintain the balance of the rental replacement units with rents during the first 5 years of its occupancy, such that the initial rent shall not exceed an amount equal to 1.5 times the October 2002 Canada Mortgage and Housing Corporation Rental Market Survey average City of Toronto rent by unit type for row houses plus annual statutory guideline increases until occupancy, and upon turn-over, the rent charged to any new tenant shall not exceed 1.5 times the most recently reported Canada Mortgage and Housing Corporation Rental Market Survey average City of Toronto rent by unit type for row houses, and over the course of the 5 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases;

- (d) rents charged to tenants occupying a new affordable replacement unit at the end of the 10 year period set forth in (c) (i) or a mid-range replacement dwelling unit at the end of the 5 year period set forth in (c) (ii), shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their unit; and
- (e) rents charged to tenants newly occupying a unit in the rental replacement townhomes after the completion of the 10 year period set forth in (c) (i) or the 5 year period set forth in (c) (ii), will be governed by the Provincial rent legislation in force at that time; and

- (II) shall provide assistance to the tenants of the site at least at the minimum levels required under the *Tenant Protection Act*, and further, as follows:

- (a) the owner shall give eligible tenants residing in a building existing on the site on January 28, 2003 (“an existing building”) at least 4 months prior notice of the termination of their tenancy for demolition;

- (b) all tenants residing on the site on the date of the application, January 28, 2003, and who receive the 4 months notice of termination set forth in (a) (“eligible tenants”) shall have a right of first refusal to occupy a replacement rental unit at an initial rent not exceeding the amount of their rent as of January 28, 2003 plus the amount permitted by the Provincial rent increase guideline annually between that date and the date of their first occupancy of the new unit, a one-time allowance of 4%, as escalated by the Provincial rent increase guideline annually, as adjusted for the fact that the lease anniversary date will change.
- (c) all eligible tenants as set forth in (b) who do not exercise their first right of refusal to occupy a new rental unit shall receive financial assistance in the amount of \$500 in addition to compensation required under the Tenant Protection Act, and
- (d) any prospective tenant of an existing rental unit on the site after January 28, 2003, shall be advised prior to entering into any legal agreement to rent a unit of the development applications and the potential demolition, and they shall also be advised that they will not be treated in the same manner as tenants residing on the site on January 28, 2003 who are eligible tenants; and.

(III) The payment of \$150,000 to be used for the upgrading of Buttonwood Park.

- 7. Where the provisions By-law Amendment conflict with the Zoning Code, the provisions of this By-law Amendment shall take precedence; otherwise the Zoning Code shall continue to apply.
- 8. The provisions of this By-law Amendment shall apply to the whole of the lands identified on Schedule ‘A’ and any buildings on the lands as of January 28, 2003 may lawfully remain, notwithstanding any severance, partition or division of the lands for any purpose.

| <b>BY-LAW NUMBER AND<br/>ADOPTION DATE</b> | <b>DESCRIPTION OF<br/>PROPERTY</b>   | <b>PURPOSE OF BY-LAW</b>  |
|--|--|---|
| 453-2004<br>May 20, 2004                   | Lands located on the north side<br>of Lemonwood Drive, south of<br>Eglinton Ave., known as<br>75 Lemonwood Drive | To rezone part of the lands from<br>R5 to R4G to allow for up to 75<br>rental replacement townhouses;<br>and, to restrict development on<br>the remaining lands to two<br>Senior Citizens' Retirement<br>Home Facilities or Long Term<br>Care Facilities. |

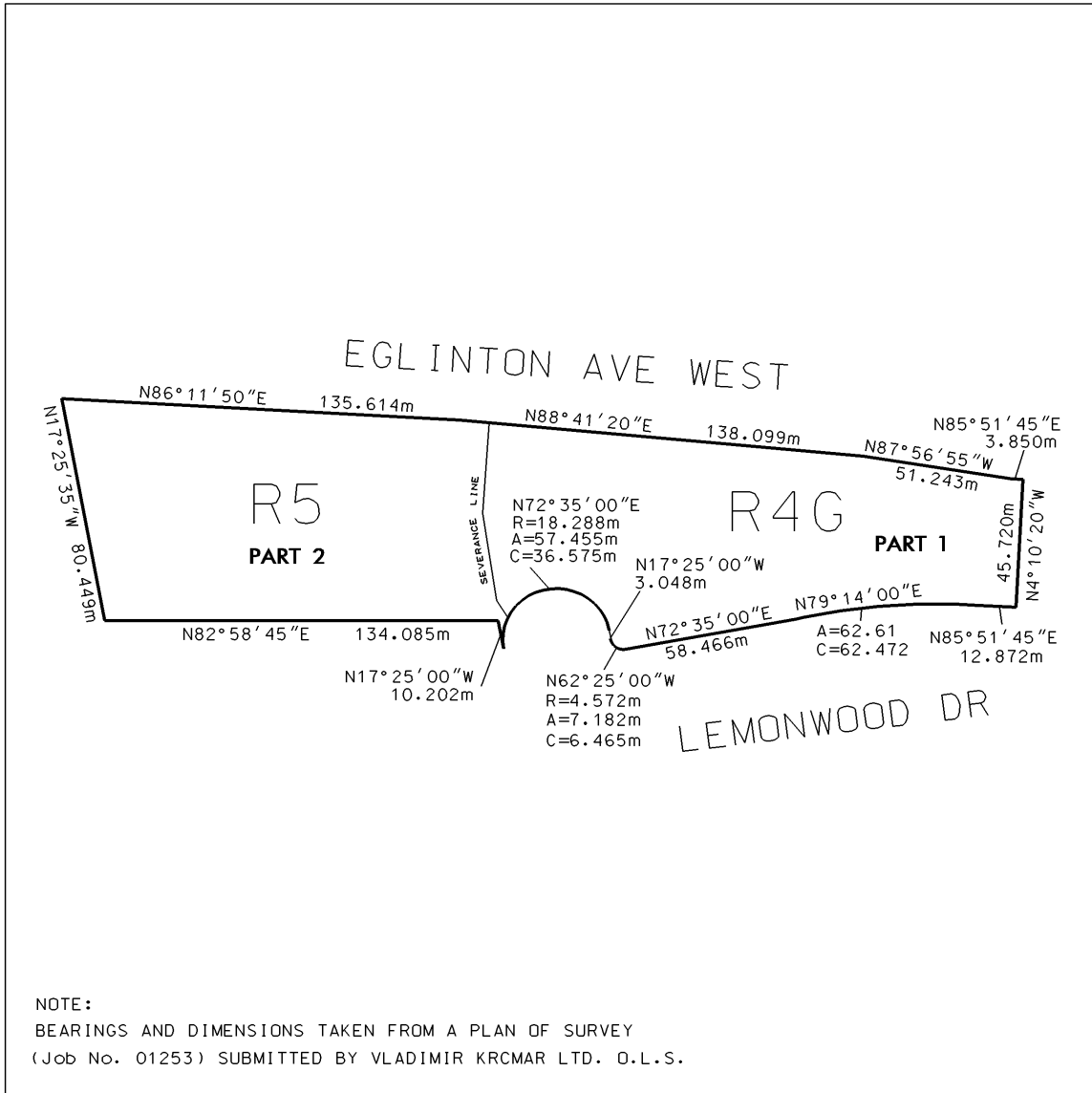
ENACTED AND PASSED this 20th day of May, A.D. 2004.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

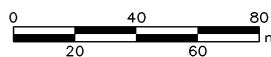

(Corporate Seal)

**TORONTO** Schedule 'A' BY-LAW

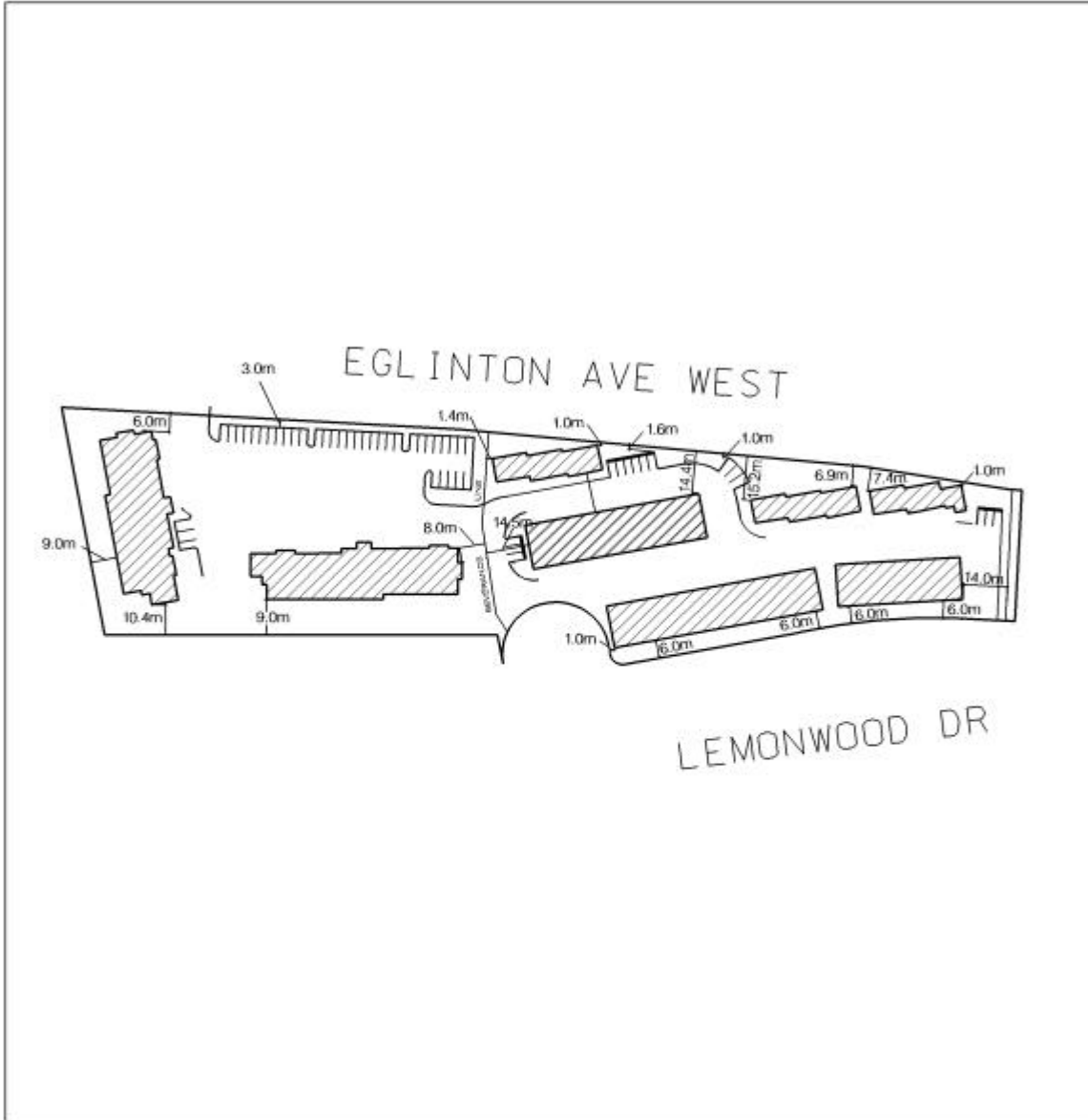


NOTE:  
 BEARINGS AND DIMENSIONS TAKEN FROM A PLAN OF SURVEY  
 (Job No. 01253) SUBMITTED BY VLADIMIR KRCDAR LTD. O.L.S.

**BLOCK B PLAN M-973  
 CITY OF TORONTO**

|                          |                           |   |   |
|--------------------------|---------------------------|---|---|
| Applicant's Name:        |                           | <b>THE ROCKPORT GROUP</b>   |   |
| Assessment Map E10       | Zoning Code Map/s E10     | scale:  |  |
| File No. TA CMB2003 0003 | Drawing No. CMB2003 0003A |   |   |

**Toronto** Schedule 'B' BY-LAW



**BLOCK B PLAN M-973  
CITY OF TORONTO**

|                          |                           |                           |        |
|--------------------------|---------------------------|---------------------------|--------|
| Applicant's Name:        |                           | <b>THE ROCKPORT GROUP</b> |        |
| Assessment Map E10       | Zoning Code Map/s E10     |                           | scale: |
| File No. TA CMB2003 0003 | Drawing No. CMB2003 0003B | Drawn By: K.P.            |        |