

Authority: Motion MM27.11, moved by Councillor Lindsay Luby, seconded by Councillor Palacio, as adopted by City of Toronto Council on December 1, 2 and 3, 2008

Enacted by Council: December 3, 2008

CITY OF TORONTO

BY-LAW No. 1307-2008

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to lands municipally known as 7 - 21 Richgrove 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*; and

WHEREAS Section 5.1.1 of the City of Toronto Official Plan contains provisions relating to the authorization of increases in density of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as are set out in the By-law; and

WHEREAS subsection 37(3) of the *Planning Act*, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in the 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 and matters; and

WHEREAS the owners of the lands hereinafter referred to have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in the density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands in Chapters 320 and 324 of the Etobicoke Zoning Code, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto;

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

1. That the zoning map referred to in Section 320-5, Article II of the Zoning Code, and originally attached to the Township of Etobicoke By-law No. 11,737, be and the same is hereby amended by repealing By-law No. 878-2001 and changing the zoning of the lands located in the former Township of Etobicoke as identified within the heavy black lines on Schedule 'A' annexed hereto from the combined zones of R6 and R3 to Sixth Density Residential (R6), provided the following provisions shall apply to the development of the lands identified in Schedule 'A'.

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:

“Back-To-Back Stacked Townhouse” - means a building containing four or more dwelling units separated by common rear and/or vertical walls and/or common floor/ceiling. The units do not have a rear yard with amenity area, and each unit has direct access from the outside at grade level. Each unit shall have a maximum of 2 stories and the height is limited to 2 units.

“Building Envelope” - means the building area permitted within the setbacks established in this By-law, as delineated generally on Schedule ‘B’ attached hereto.

“Average Grade” - means with respect to the building the average geodetic elevation at ground level adjoining the main front wall of the building based upon a geodetic elevation of 154 metres above sea level for the lands identified as Part 3 on Schedule ‘A’, and 153 metres above sea level for the lands identified as Parts 1 and 2 on Schedule ‘A’.

“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; unenclosed balconies, underground parking garage, Indoor Amenity Areas up to 1,341 square metres where a minimum standard of 1.5 square metres per dwelling unit is maintained, and below grade storage areas.

“Height” - means, with respect to each section of the building erected within the Building Envelope, the vertical distance between the average geodetic grade of the Lands as defined in this By-law and the highest point of the roof surface of the building, but for the tower elements of the building shall exclude mechanical equipment, mechanical penthouses, parapets, architectural elements, stairs and stair enclosures located on the roof of such building provided the maximum height of the top of such elements is no higher than the number of metres specified on Schedule “B” for each tower element above the height limit otherwise applicable to the said tower element, and in no case shall any portion of the building exceed an absolute geodetic elevation of 219.46 metres above sea level anywhere on the building, including decorative features.

“Lands” - shall mean the lands described in Schedule “A” attached hereto.

“Minor Projections” - means minor building elements which may project from the main wall of the building, including roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, to a maximum projection of 1.5 metres.

“Indoor Amenity Area” - means a common area or areas which are provided for the exclusive use of residents of the building, and their guests, for recreational or social purposes.

“Outdoor Amenity Area” – means an outdoor common area or areas which are provided for the exclusive use of residents of the building, and their guests, for recreational or social purposes.

3. Notwithstanding Sections 320-18, 320-76 and 320-77 of the Etobicoke Zoning Code, the following development standards shall apply to all of the lands described in Schedule “A” attached hereto.

4. Permitted Uses

No buildings or structures shall be erected or used on the Lands, except for the following uses:

- (i) apartment buildings on Part 1 of Schedule ‘A’;
- (ii) existing apartment buildings on Part 2 of Schedule ‘A’;
- (iii) Back-To-Back Stacked Townhouses on Part 3 of Schedule ‘A’;
- (iv) accessory structures including those permitted under Section 320.76F of the Zoning Code and shall include covered ramps, exterior stairs and garbage enclosures; and
- (v) a temporary sales office for the purpose of marketing and sales of units related to the proposed buildings which shall be permitted and exempt from all development standards listed in the By-law or Zoning Code. The sales office shall not be subject to the requirements of the agreement referred to in Section 15.9 herein.

5. Gross Floor Area

The maximum Gross Floor Area, as defined herein, permitted on the Lands shall be 75,600 square metres.

6. Maximum Density

The maximum Floor Space Index (FSI) permitted on the Lands shall be 2.75.

7. The maximum permitted of Back-To-Back Stacked Townhouses units shall be in accordance to Schedule ‘B’.

8. Minimum/Maximum Height

The maximum building heights to be permitted on the Lands shall be in accordance with the heights shown on Schedule ‘B’, attached hereto.

9. Setbacks/Floor Plate Restrictions/Building Envelope

- (i) No building or structure within the Lands shall be located other than within the Building Envelopes shown on Schedule 'B' attached hereto;
- (ii) Notwithstanding the provisions of this By-law, the maximum floor plate area for each building shall be where indicated on Schedule 'B';
- (iii) Any portion of any building or structure which is located below the finished exterior ground level immediately adjoining such building or structure, may be located outside of the Building Envelope for that building or structure; and
- (iv) Permitted accessory structures, ground floor canopies, wheelchair and covered ramps, exterior stairs, parapets and railings related to underground parking structures, vents, temporary sales offices, fences, safety railings and other landscape features shall be permitted outside the Building Envelope.

10. Parking and Loading Requirements

The following parking requirements shall apply to the Lands:

Proposed Apartment Buildings (Part 1 on Schedule 'A') – minimum rates:

- (a) Bachelor dwelling units: 1.0 space per dwelling unit;
- (b) One-bedroom dwelling units: 1.10 spaces per dwelling unit;
- (c) Two-bedroom dwelling units: 1.20 spaces per dwelling unit;
- (d) Three or more bedroom dwelling units: 1.40 spaces per dwelling unit; and
- (e) of this number, 0.20 space per dwelling unit shall be reserved for the exclusive use of visitors parking.

Back-To-Back Stacked Townhouses (Part 3 on Schedule 'A') – minimum rates:

- (a) minimum of 1.60 spaces per dwelling unit; and
- (b) of this number, 0.20 space per dwelling unit shall be reserved for the exclusive use of visitors parking.

Existing Apartment Buildings (Part 2 on Schedule 'A') – minimum rates:

- (a) minimum of 1.20 spaces per dwelling unit, and
- (b) of this number, 0.15 space per dwelling unit shall be reserved for the exclusive use of visitors parking.

Surface Parking (entire Lands):

- (a) Up to a maximum of 60 of the total required visitor parking spaces may be provided at ground level.

Bicycle Parking (entire Lands):

- (a) bicycle parking spaces (not to be located within dwelling units) shall be provided at the rate of .75 spaces for each dwelling unit to a maximum requirement of 200 spaces.

11. Area Requirements

The following area requirements shall apply to the Lands:

- (i) Landscaped Open Space: a minimum 50% of the lot area shall be reserved for Landscaped Open Space.

For Part 1 on Schedule 'A':

- (ii) Indoor Amenity Space: a minimum 1.5 square metres per dwelling unit of Indoor Amenity Space shall be provided.

For Parts 1 and 2 on Schedule 'A':

- (iii) Outdoor amenity space: a minimum 1.16 square metres per dwelling unit of Outdoor Amenity Space shall be provided.

12. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.

13. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law.

14. Nothing in this By-law shall apply to prevent the phased construction of the development, provided that the requirements of the By-law are complied with upon the completion of each phase.

15. Unless otherwise noted, this by-law shall apply collectively to the Lands described in Schedule 'A' annexed hereto, notwithstanding their future division into parcels, and shall be deemed to have an area of 27,875 m².

16. Section 37

The density of development permitted by this By-law is subject to the Owner of the land, at its expense, providing the following capital facilities, cash contributions toward specific capital facilities, and/or matters pursuant to Section 37 of the *Planning Act* in order to permit a residential development with a maximum Floor Space Index of 2.71; a

maximum number of dwelling units of 808; and heights as shown on Schedule 'B' as follows:

1. The Owner shall be required to make arrangements satisfactory to the Chief Planner and Executive Director, City Planning Division, to design and construct or provide adequate financing for, as the case may be, the following road improvements to the satisfaction of the Director of Development Engineering and at no cost to the City:
 - 1.1 Prior to the release of the Above Grade Building Permit for Part 1, increase the length of the existing through/right turn lane at the east approach to the Martin Grove Road/ Eglinton Avenue West intersection to a minimum of 150 metres, with a 60 metre transition taper, designed and constructed to the satisfaction of the Technical Services Division and as shown on Drawing No. FD-4, illustrated in the applicant's transportation impact study dated July 2008.
 - 1.2 Prior to the release of the Above Grade Building Permit for Part 3, design and reconstruct the widening of Richgrove Drive at the intersection of Richgrove Drive and Martin Grove Drive to the satisfaction of the Technical Services Division, as shown on Drawing No. FD-2, illustrated in the applicant's transportation impact study dated July 2008, including a 9.75 metre rounding at the northwest corner of the intersection, measured from the revised Richgrove Drive road allowance.
 - 1.3 Prior to the release of the first Above Grade Building Permit for Part 1, design and construct the entrance, island and line painting on Martin Grove Road to the satisfaction of the Technical Services Division, as shown on Drawing FD-3, illustrated in the applicants transportation impact study dated July 2008.
 - 1.4 Prior to the release of the Above Grade Building Permit for Part 3, provide funding in the amount of \$50,000 to cover the costs associated with implementing neighbourhood traffic calming and regulatory signage features at the intersection of Richgrove Drive /Willowridge, if considered necessary by the municipality within five years following full build-out of the subject site. The City will return these monies, without interest, if traffic calming measures are not implemented within this five year period.
 - 1.5 Prior to the release of the first Above-Grade Building Permit for Part 3, the applicant shall convey to the City a 2.0 metre wide strip of land along the Richgrove Drive frontage of the subject site, extending from Martin Grove Road to a point 90 metres west of the Martin Grove Road street line.
 - 1.6 Prior to the release of the first Above-Grade Building Permit for Part 3, the applicant shall convey to the municipality a 9.75 metre rounding at the

southwest corner of the intersection of Martin Grove Road/Richgrove Drive, measured from the revised Richgrove Drive road allowance.

- 1.7 The requested conveyances must be provided to the City, at a nominal cost. Such lands must be free and clear of all encumbrances, save and except for utility poles and subject to right-of-way for access purposed in favour of the Grantor until such times as said lands have been laid out and dedicated for public highway purposes.
2. Prior to the issuance of the first Above-Grade Building Permit for Part 1 (excluding temporary sales centre and construction office), the Owner is required to make a cash contribution to the City in the amount of \$175,000.00 towards playground improvements at Westgrove Park.
3. Prior to the issuance of the first Above-Grade Building Permit for Part 1 (excluding temporary sales centre and construction office), the Owner is required to make a cash contribution to the City in the amount of \$125,000.00 towards playground improvements at Richview Park.
4. Regarding the two existing 11-storey apartment buildings on the property, the Owner is required to enter into an agreement with the City to secure:
 - (a) the rental status of the units for a 20-year period;
 - (b) new amenity upgrades to be provided for the residents of the existing buildings; and
 - (c) renovations and improvements to the condition of the existing rental apartment buildings without pass-through costs to the tenants.
5. The Agreement referred to in 16.6 herein shall provide that the Owner of the lands provide signage and warning clauses in accordance with the requirements of the Toronto District School Board and Toronto District Catholic School Board.
6. The owner of the lands enters into and registers on title to the land an agreement with the City pursuant to Section 37 of the *Planning Act*, to secure the facilities, services, and matters set forth in 16.1 to 16.8 herein, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor, prior to this By-law coming into force and effect.

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
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1307-2008 December 3, 2008	Lands located on the northwest corner of Eglinton Avenue West and Martin Grove Road, south of Richgrove Drive, municipally known as 7-21 Richgrove Drive.	To permit a maximum of 88 stacked townhouse units and 2 new 22-storey apartment buildings on the property, along with site specific development standards.
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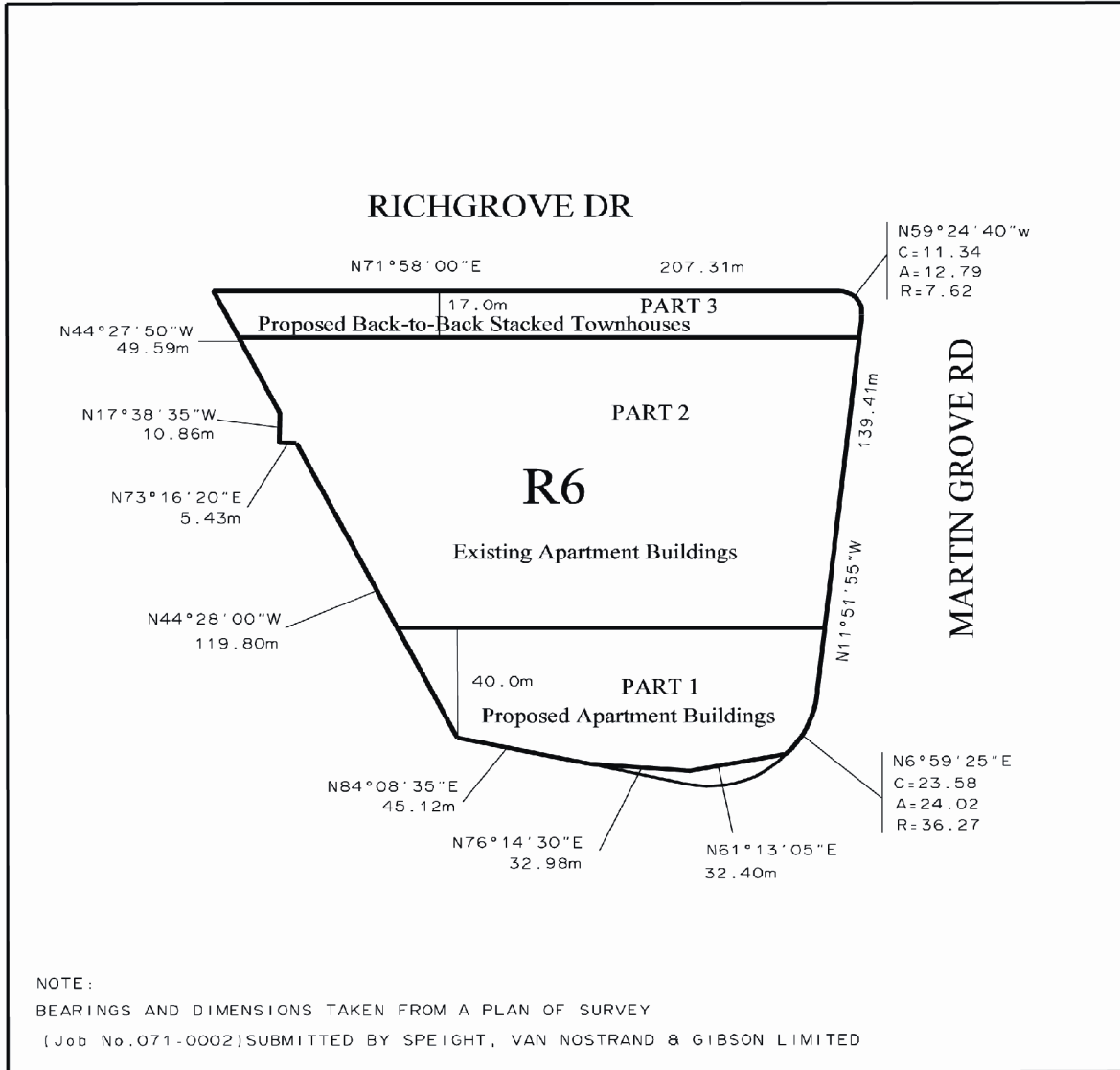
ENACTED AND PASSED this 3rd day of December, A.D. 2008.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

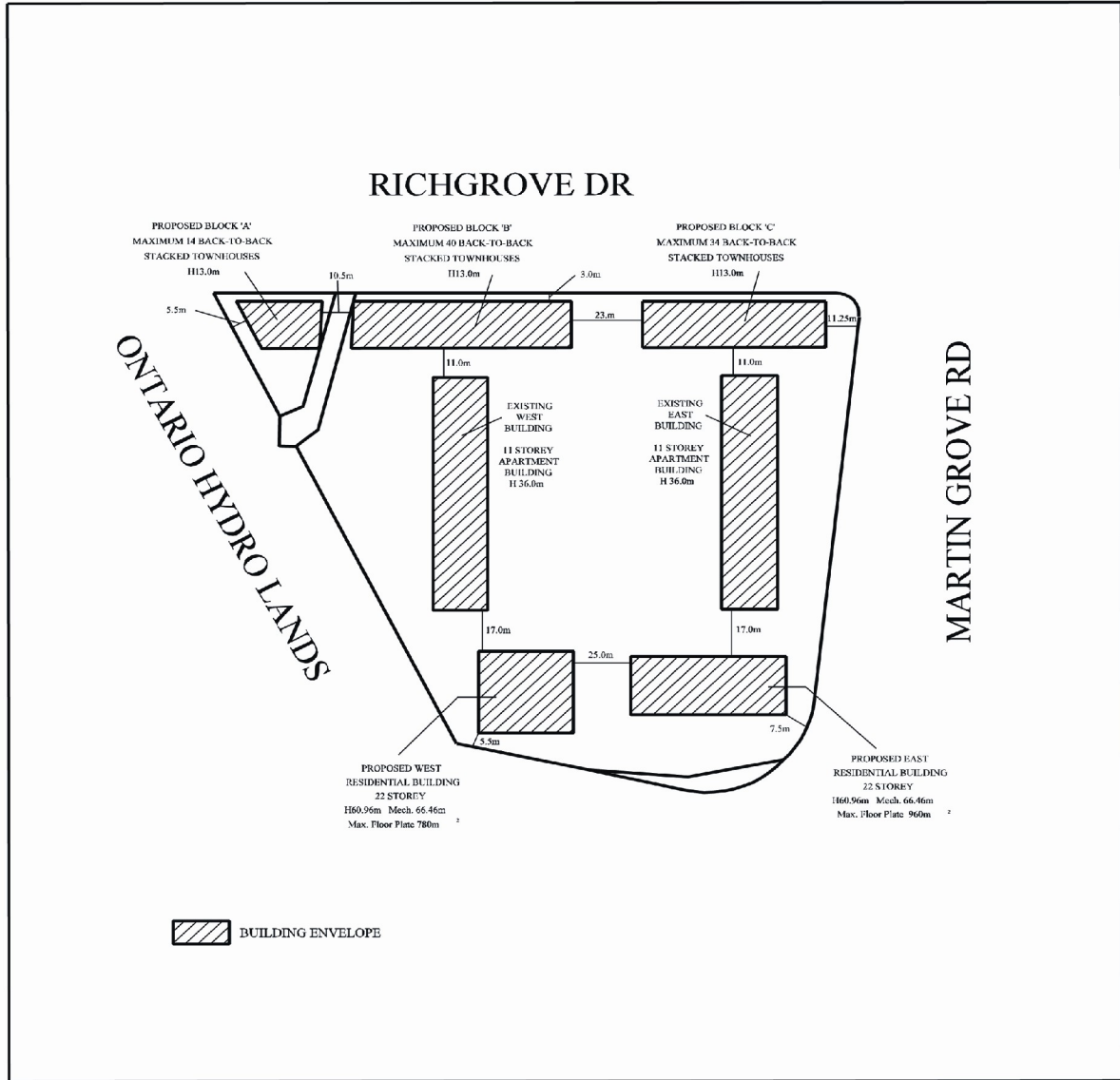
Toronto Schedule 'A' BY-LAW



**PART OF BLOCK B
REGISTERED PLAN M-1157
CITY OF TORONTO**

Applicant's Name.		MINTO RICHGROVE LAND CORP.	
Assessment Map F14	Zoning Code Map/s F14S	scale:  m	
File No.07E258892	Drawing No.07E258892Edzl	Drawn By:K.P.	

Toronto Schedule 'B' BY-LAW



**PART OF BLOCK B
 REGISTERED PLAN M-1157
 CITY OF TORONTO**

Applicant's Name:	MINTO RICHGROVE LAND CORP.		
Assessment Map F14	Zoning Code Map/s F14S	scale:	
File No. O7E258892	Drawing No. O7E258892Ed2	Drawn By: K.P.	