

December 16, 2003

To: Toronto West Community Council

From: Director, Community Planning, West District

Subject: Final Report  
Application to amend the Official Plan and Zoning Code  
75 Lemonwood Drive  
Studio Court Limited (V Samuel Iser, Architect)  
File Number: TA CMB 2003 0003  
Etobicoke Centre (Ward 4)

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning Code for redevelopment and intensification of a site containing 88 existing maisonnettes to be replaced with 75 rental replacement townhouses and two retirement buildings of 11 and 7 storeys at 75 Lemonwood Drive.

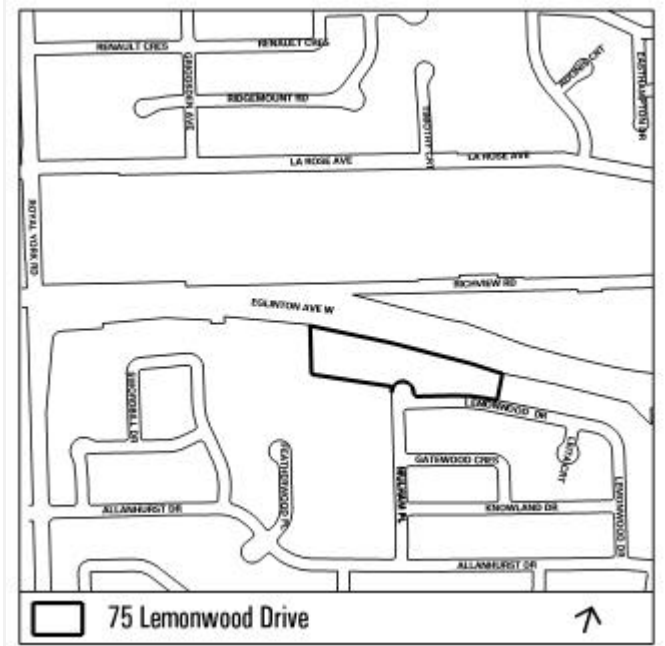
### Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

### Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of Etobicoke substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 6;
- (2) amend the Official Plan for the City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No 7;



- (3) amend the Zoning Code for the former City of Etobicoke substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8;
- (4) authorise the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendments and draft Zoning Code Amendment as may be required;
- (5) before introducing the necessary Bills to City Council for enactment, require the owner to enter into a Section 37 agreement under the Planning Act, to the satisfaction of the City Solicitor in consultation with the Commissioner of Urban Development Services, including registration of such agreement as a first charge against the lands, securing the rental housing replacement and affordability, tenant assistance and park improvements as set out in Attachment Nos. 6 and 7, and securing the upgrading of Buttonwood Park;
- (6) before introducing the necessary Bills pertaining to the retirement buildings to City Council for enactment, require the applicant to enter into a Site Plan Agreement under Section 41 of the Planning Act; and
- (7) before introducing the necessary Bills to Council for enactment, require the applicant to submit a letter of undertaking to the City agreeing to withdraw their appeal with respect to the Toronto Official Plan upon the Official Plan and Zoning Code Amendments coming into force.

Background:

(1) Proposal

This is a proposal for the redevelopment and intensification of a site which currently contains three 2 storey maisonette style buildings with a total of 88 rental dwelling units, of which 79 were occupied, and of those, 56 had affordable rents at the time the applications were made, (January 28, 2003).

This two phase proposal is to replace the 88 existing rental dwelling units with 75, 3 storey rental townhouses, on the eastern part of the site and, construct a 7 storey, 103 unit rental retirement building as well as an 11 storey, 156 unit rental retirement building on the western part of the site. Construction phasing is proposed to be: demolition of the most easterly block of maisonettes (Building 3) and construction of 58 or 59 rental replacement townhomes as Phase 1; with the demolition of the remaining maisonettes (Buildings 1 and 2) and construction of the rest of the townhomes and the two retirement buildings being Phase 2.

The applicant has proposed the 75 townhome units as conventional rental units (not condominium registered) to replace the 88 existing conventional rental units. The 75 rental replacement units will be comprised of 56 affordable rental units and 19 mid-range rental units. The applicant is also proposing to provide assistance beyond that required by The Tenant Protection Act to those tenants residing in the buildings as of the date the applications were filed

(January 28, 2003) and who would be evicted because of the demolition. The assistance includes the right to occupy one of the rental replacement units at rent similar to what they pay currently.

Two different styles of retirement living are proposed. The 7 storey building, facing Eglinton Avenue and backing onto Buttonwood Park, is proposed to provide a higher level of assistance to residents in everyday requirements, whereas the 11 storey building, facing east and also backing onto Buttonwood Park, is proposed to be for more independent living. Both buildings will contain: bachelor, one bedroom and two bedroom units; a communal kitchen and dining area; a communal lounge; a lounge and laundry room on each floor; a library; a health care room; a physiotherapy room; a chapel; an exercise room and a multi-purpose room.

Existing vehicular access to the site is from Lemonwood Drive/Mulham Place. This proposal requests direct access from Eglinton Avenue, especially for the retirement buildings. Two parking spaces will be provided for each townhouse, one in the garage, the other in the driveway, as well as 15 surface visitor spaces distributed in four groups on the site. A total of 90 parking spaces will be provided for the retirement buildings. These will all be surface parking spaces in an area in front of the 7 storey building and adjacent to Eglinton Avenue.

To view the proposed site plan, see Attachment 1; to view elevations see Attachment 2; and for the Application Data Sheet, see Attachment 5.

The applicant is also requesting that a nursing home/long term care facility be added as a permitted use in the zoning amendment.

### (3) Site and Surrounding Area

This irregular shaped site, located on the south side of Eglinton Avenue, is 2.1 hectares in area fronting on both Eglinton Avenue and on Lemonwood Drive/Mulham Place. The site contains 88 maisonettes in three buildings and it slopes gently downward from west to east.

Surrounding land uses are:

North: High density residential apartment buildings on the north side of Eglinton Avenue;

South: Two storey, single family detached homes on the south side of Lemonwood Drive east of Mulham Place, with parkland (Buttonwood Park) west of Mulham Place;

East: Single family detached housing

West: Parkland (Buttonwood Park)

### (4) Official Plan

#### (4.1) Metropolitan Toronto Official Plan

The site is located adjacent to Eglinton Avenue which is designated as a Metropolitan Corridor in the Metropolitan Toronto Official Plan. The Plan anticipates rapid transit in the corridors and has policies encouraging intensification in appropriate locations along such corridors. The Plan also contains policies to preserve and increase the supply of affordable and rental housing.

#### (4.2) Etobicoke Official Plan

The site is designated Medium Density Residential in the former Etobicoke Official Plan. This designation permits a range of dwelling types including ground related multiple housing such as townhouses, as well as low rise apartment buildings not exceeding 6 storeys. The maximum density permitted is 75 units per hectare, whereas this proposal requests a density of 75 units per hectare on the townhouse (east) part of the site, 255 retirement units per hectare on the west part, with the density across the entire site proposed to be 175 units per hectare. Section 4.2.10 of the Plan allows for higher density "...greater than that which is otherwise permitted in the relevant residential designation may be provided for in a site specific zoning by-law for senior citizen or other similar small units intended for a specialised type of occupancy..."

This Plan encourages housing intensification, the provision of affordable housing and rental housing; and replacement of housing to be lost through development with at least the same number of new units, and with the same level of affordability where possible. The Plan also encourages redevelopment on sites over one hectare "to provide a range of building heights and dwelling types within the development."

#### (4.3) New Toronto Official Plan

At its meeting of November 26-28, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the Plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Plan is now before the Ontario Municipal Board. No hearing date has been set. The applicant on this proposal requested the Minister to modify the Plan from a Neighbourhood designation to Apartment Neighbourhood on this site. The Minister did not modify the Plan, consequently the applicant has appealed the Neighbourhood designation on this site.

The new Official Plan contains policies to guide growth and development in the City. The Plan sets out the urban structure for the City and includes policies to guide the built environment and policies encouraging the preservation of existing rental housing and affordable and mid-range housing and the provision of new rental and affordable and mid-range housing. Eglinton Avenue is identified as an Avenue in that structure. Residential intensification and mixed use developments are encouraged on Avenues. Avenue studies are to determine the type and density of development along Avenues, but development may precede an Avenue Study as long as the general goals for the Avenues, of building a range of housing options, supporting transit and creating an attractive environment, are supported.

The site is designated Neighbourhood in this Plan. That designation permits replacement townhouses as well as seniors/retirement homes and nursing homes/long term care facilities. However the proposed heights of the 7 and 11 storey retirement buildings do not comply with the intent of the Plan in this designation. Though the Plan notes that there are properties within the existing Neighbourhoods "that differ from the prevailing patterns of lot size, configuration and orientation and special infill criteria are provided for dealing with the integration of new development for these sites", those criteria are not applicable to the scale of this proposal.

Instead, the policies for Apartment Neighbourhoods have to be considered in evaluating this proposal. An amendment to the Plan is therefore required.

In addition, there are policies which encourage the development of new private sector rental housing' affordable and mid-range housing and the preservation of existing rental housing. Where rental housing is to be demolished as a result of redevelopment, the policy requires replacement of the rental units with new rental units at similar rents, and measures to assist the tenants impacted by the redevelopment application.

(5) Zoning Code

This site is zoned Residential Fifth Density (R5). This zoning category permits the following residential forms; one-family detached dwellings; duplex dwellings; apartment houses; lodging houses and group homes. Through site specific By-law No. 12950, this site is permitted to have "only apartment houses, garden apartments or maisonettes not exceeding one dwelling unit per 2,500 square feet of lot area." This would permit a maximum of 91 units on this site, whereas this application requests 75 townhouses and 259 retirement units for a total of 334 units.

(6) Site Plan Control

An application has been submitted for only the first phase, the townhouse rental replacement phase of this redevelopment proposal. In accordance with City procedure, the applicant will be required to obtain site plan approval prior to the enactment of an official plan amendment or a zoning by-law amendment for the retirement home part of the site.

(7) Reasons for Application

This application is required to increase the density and height limits in the former Etobicoke Official Plan; to amend the designation from Neighbourhood to Apartment Neighbourhood in the new Toronto Official Plan; and to amend the maximum density regulation and add senior citizens' retirement home facility and nursing home/long term care facility as permitted uses in the zoning on this site. The proposal, if approved, would result in the demolition of rental housing and therefore rental replacement of the rental units at similar rents and assistance to the tenants is required.

(8) Community Consultation

As directed by Council, the City held Community Consultation meetings on April 28 and June 23, 2003 attended by about 70 and 100 area residents respectively. Prior to those meetings the applicant had a meeting with the community and a meeting with the tenants at 75 Lemonwood Drive. From the discussion at the June 23<sup>rd</sup> meeting, a Working Group of community residents was formed and the Ward Councillor and staff met with that group a number of times through the summer to assist the residents in understanding the impact of the proposal on their community and to explore possible revisions to the proposal in order to make it more acceptable to the community. On October 29, 2003, the Working Group held another Community Meeting.

Prior to the April 28<sup>th</sup> meeting, the applicant had been requesting retirement buildings of 8 and 12 storeys and that the permitted uses in the proposed zoning amendment include conventional apartment buildings. Based on community concerns the applicant reduced the proposed retirement buildings by one storey each, to 7 and 11 storeys, and the request for conventional apartment buildings was withdrawn.

Community concerns raised include: the impact of the higher density and height on the community; traffic impact; and access from Eglinton and possible traffic infiltration on local streets. Generally the residents favoured the concept of retirement or nursing homes for seniors but were concerned that the 'retirement buildings' would end up being conventional apartment buildings. Verbally the Working Group concluded that it could recommend that the community support this application if it could be assured that the retirement buildings will in fact be limited to seniors and reduced to 6 storeys each. Though not unanimous, the Working Group did not support direct access to Eglinton Avenue. A written submission is expected on behalf of the residents.

#### (9) Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

#### Comments:

#### (10) Etobicoke Official Plan

The Etobicoke Official Plan requires applications for residential intensification be evaluated on the basis of the criteria contained in policy 4.2.19 of the Plan. These criteria address the proposal's proximity to amenities and services, as well as the suitability of the site for the development proposed and the impact on neighbouring residential uses. The individual criteria and responses are contained in Attachment 9. With respect to the criteria, this proposal responds favourably. The site is in an established area, close to retail and other amenities, across Eglinton Avenue from other high density residential and does not create undue adverse impacts either on neighbouring residential uses or on local residential streets.

#### (11) New Official Plan

The proposed redevelopment is generally consistent with the new Official Plan's vision, principles and policies. New private sector rental housing will replace old dwellings and the affordability levels of the old units will be maintained. The site is on the edge of a Neighbourhood designation and on an Avenue. Residential intensification is encouraged along Avenues and the proposal responds favourably to the policies for development in Apartment Neighbourhoods that are adjacent or close to Neighbourhoods by providing a transition in scale and density through the stepping down of the buildings from west to east, from 11 storeys to 7 storeys adjacent to Buttonwood park, then to 3 storey townhouses adjacent to the single family detached homes on Lemonwood Drive. Since the taller buildings are adjacent to the park, it

maintains adequate light, view and privacy for neighbourhood residents; and, it does not cause adverse traffic or parking impacts on the neighbourhood.

## (12) Rental Housing Replacement

The Etobicoke Official Plan and the New Toronto Official Plan address the need for replacement of rental housing units at similar rent levels. The applicant has proposed a strategy for rental replacement, the provision of affordable and mid-range rental housing, and tenant assistance which meets the intent of both the former City of Etobicoke Official Plan and the new Toronto Official Plan. Key elements of the proposal are outlined below and the complete proposal is available for review. The applicant has agreed to enter into a Section 37 Agreement prior to the introduction of the Bills to Council for enactment, in order to secure the items listed in the proposal.

### (12.1) Applicant's Proposal for Rental Replacement Housing

#### (12.1.1) Replacement of Rental Units

- (a) Most of the existing rental units will be replaced. There are 88 existing rental units, of which 79 were occupied at the time of the application. The proposed new development will comprise 75 new conventional rental units. The reduced number is primarily as a result of managing good urban design for the site;
- (b) The units will remain as rental for at least 20 years. No application for condominium declaration will be made for that 20 year period unless there is a change in property taxes that would result in taxes being higher than what they would be if the units were registered (new rental properties currently are assessed under the new multi-residential rental tax class, which assigns a tax rate equivalent to that which applies to condominium registered buildings);
- (c) The existing units are a mix of two-bedroom and three-bedroom units. All of the proposed new rental replacement units will be three-bedroom units. Therefore, the proposal includes provisions which allow current tenants of two-bedroom units to access three-bedroom units at rents similar to what they currently pay for their two-bedroom units; and
- (d) Demolition and construction are being phased to limit the number of tenants who may be required to find off-site accommodation, and to ensure that the replacement rental units are ready for occupancy in the first phase of development. During the first phase of development, 59 rental replacement units will be constructed, of which at least 45 will have affordable rents, and rents for the remaining units will not exceed mid-range rent thresholds. The remaining affordable rental units and mid-range rental units will be constructed in the second phase of construction.

(12.1.2) Replacement of Affordable and Mid-Range Rental Housing:

- (i) At the time that the applications were filed, 56 of the 88 units had affordable rents (based on CMHC average rents by unit type for townhouses adjusted for utilities) and the remaining units were either vacant (9 units) or had mid-range rents (23 units had rents below 1.5 times the CMHC adjusted average townhouse rents);
- (ii) Of the 75 replacement rental units, 56 shall have affordable rents. The initial rents for these affordable units will be based on the 2002 CMHC threshold rent for townhouse units, plus a one-time four percent adjustment to recognize that the replacement units are new and less likely to require capital expenditures than the existing units, and plus the provincial guideline percentages that would normally accrue beginning 2003 up until the date that the replacement rental units are ready for occupancy). Current eligible tenants who take up one of these units would have a lower rent (see section 3 below);
- (iii) The 56 affordable units will remain affordable for at least the first ten years of occupancy, even if a new tenant moves in during the initial ten years. Instead of increasing upon vacancy ("vacancy de-control"), the first rent to be charged to a new tenant would be limited as it would not exceed the most recently reported CMHC average townhouse rents. Rent increases would be limited to the provincial guideline, unless a higher percentage is approved because of operating, capital or security cost increases. Tenants occupying a unit at the end of the tenth year would continue to have the benefit of protected rent increases. After the ten year period, the initial rent for any new tenant moving in would be based on provincial legislation in effect at the time; and
- (iv) Similar provisions apply to the 19 proposed mid-range replacement rental units, except that the initial rents have a higher cap, the units would be exempted from vacancy decontrol for 5 years instead of 10, and upon turnover, the initial rent be limited so that it shall not exceed 1.5 times the CMHC average rent for three-bedroom town-house units.

(12.2) Assistance for Tenants

- (a) The Tenant Protection Act requires landlords to compensate tenants evicted because of demolition of their rental unit. Landlords must provide at least 120 day notice of eviction, and must also provide either financial compensation equal to three month's rent, or alternate accommodation acceptable to the tenant;
- (b) In addition to compensation and notice requirements of the Tenant Protection Act, the applicant has proposed to provide additional assistance to tenants who occupied their unit at the time of the applications (January 28, 2003) who also receive a notice of eviction ("eligible tenants"). Any tenants moving in since January 28, 2003 have been advised in writing of the applications, and therefore, would not receive the same level of assistance;
- (c) Eligible tenants will have right of first refusal to take up one of the replacement rental units, based on seniority. Their rent for the new unit will be based on their rental as of the time of the application (January 2003) plus guideline increases, a one time increase of



four percent, and an adjustment to reflect that their anniversary date for rent increases may change. Only three-bedroom rental replacement units are being constructed. Therefore, tenants of two-bedroom units will be permitted to obtain a three-bedroom unit at a rent based on the rent charged for their two-bedroom unit; and

- (d) Help with moving costs will be provided. The applicant will provide staff and equipment to assist tenants moving on-site. Tenants who decide not to take up one of the replacement rental units will be provided with the three-month's rent compensation required by law, and an additional \$500.00 towards moving costs.

The applicant's proposal would ensure provision of affordable and mid-range family style rental housing. It is similar to the proposal approved by Council earlier this year for 3792-3846 Bathurst Street, in the former City of North York, and consistent with provisions approved by the Ontario Municipal Board with respect to other applications involving demolition of rental housing. By phasing the demolition and development, and by providing replacement housing at similar rents, the negative impacts of redevelopment on the tenants have been greatly mitigated.

### (13) Community Concerns

#### (13.1) Density and Height

Residents are concerned that the proposed density and height are not appropriate for the predominantly low density character of the neighbourhood. As noted above, the higher density and taller buildings will be concentrated on the west part of this site and adjacent to Buttonwood Park. There will be no shadow effect or direct impact on the single-family homes of the area. The site, originally identified in the 1960's for higher density development through its R5 zoning, is included as part of an Avenue in the new Official Plan and is also consistent with the development policies of the Apartment Neighbourhood designation. As noted above, there is a substantial area of high density apartment buildings across Eglinton Avenue from the site. Building heights in that area are much taller than proposed on this site.

The resident's Working Group suggested the retirement buildings each be six storeys. The applicant does not agree and feels it is important to understand that being required to provide replacement rental townhouses puts him in a negative financial position, which then has to be made up on the retirement part of the proposal.

#### (13.2) Eglinton Access

The applicant requests in-right/out right direct vehicular access from Eglinton Avenue to the west part of the site basically for marketing reasons. Vehicular movement between the townhouse and retirement parts of the site is to be controlled by means of an electrical gate. The community is concerned that access from Eglinton will result in traffic infiltration to local streets. A Traffic Impact Study submitted by the applicant indicates that the traffic impact from this redevelopment will be minor and, if access is permitted from Eglinton, the impact will be even less. An addendum to this study offers a cautionary note that allowing two way traffic flow

through the gate “may diminish the effectiveness of this measure as a means to prevent non-site traffic infiltration”.

The Traffic Planning Division of the Works and Emergency Services Department has commented that access to Eglinton Avenue will not be granted since there is no technical requirement for access given that the modest traffic impacts from this site will not significantly alter the character or function of the surrounding local streets. Further it is felt that given the possible age of some of the tenants of the proposed retirement buildings, direct access to a major arterial such as Eglinton could be questionable from a safety viewpoint.

### (13.3) Buttonwood Park Upgrade

As a condition of approval of this intensification proposal, Parks staff request the applicant to upgrade Buttonwood Park by constructing a new playground structure and associated amenities. This should be included in the Section 37 Agreement.

### Conclusions:

The proposed redevelopment is appropriate as it meets the intent and applicable intensification criteria of both the Etobicoke Official Plan and the new Toronto Official Plan. The proposal is compatible with development in the general area and will not result in any significant negative impacts on nearby single-family detached homes or on the character and function of the surrounding streets. The existing 88 rental maisonettes will be replaced with 75 rental townhouses; rents will be controlled for a significant time period so that current tenants can access new affordable and mid-range rental housing; and eligible tenants will receive assistance including the right to a replacement townhouse at a rent similar to their current rent.

### Contact:

David Oikawa, Manager  
Community Planning, West District  
Tel: (416) 394- 8219; Fax: (416) 394-6063  
E-mail: doikawa@toronto.ca

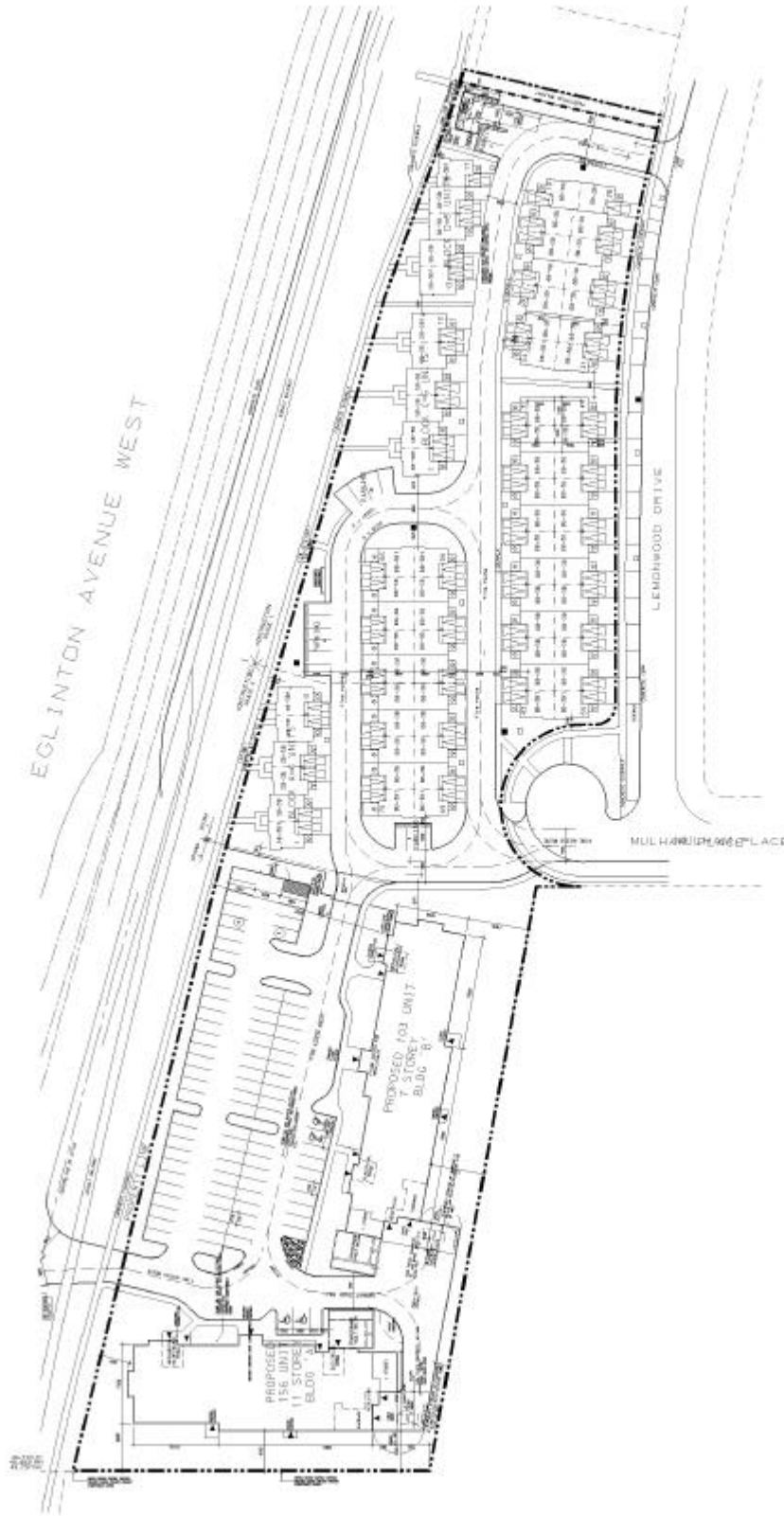
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Gary Wright, MCIP, RPP  
Director, Community Planning  
West District

List of Attachments:

- Attachment 1: Site Plan
- Attachment 2: Elevations
- Attachment 3: Zoning
- Attachment 4: Official Plan
- Attachment 5: Application Data Sheet
- Attachment 6: Draft Etobicoke Official Plan Amendment
- Attachment 7: Draft Toronto Official Plan Amendment
- Attachment 8: Draft Zoning By-law Amendment
- Attachment 9: Etobicoke Official Plan Intensification Criteria

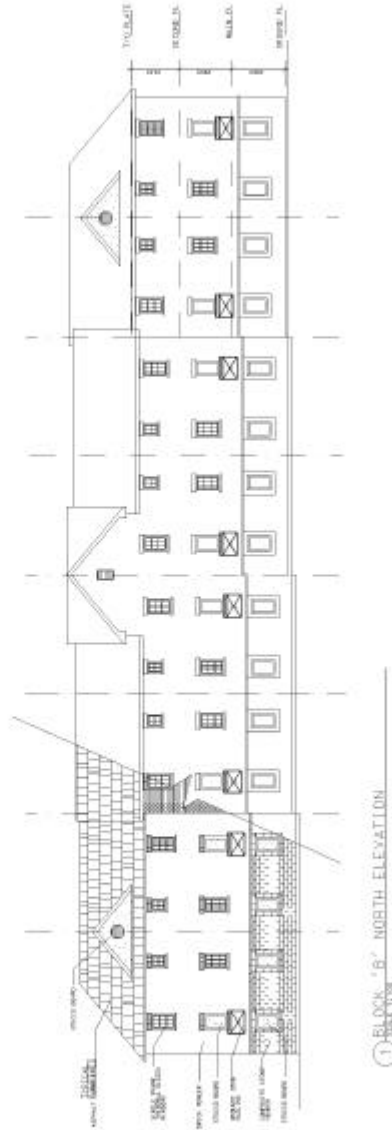
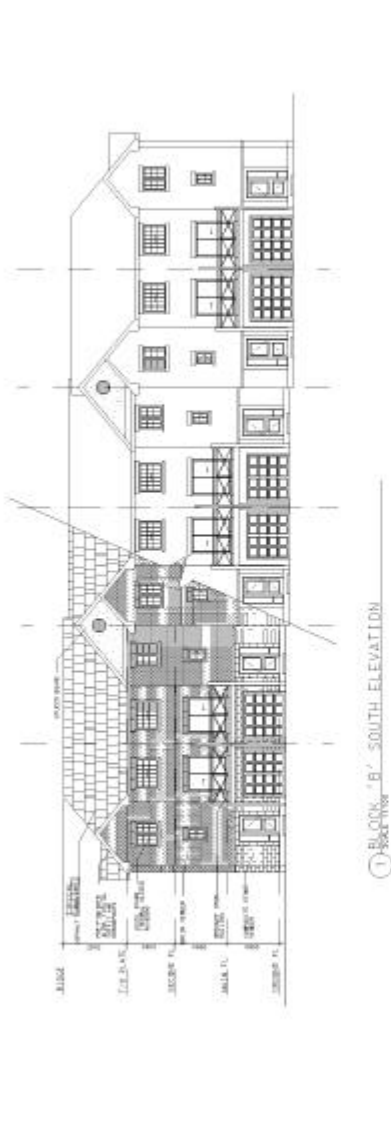
Attachment 1



**75 Lemonwood Drive**  
File # TA-CMB2003 0003

**Site Plan**  
Applicant's Submitted Drawing

Attachment 2a

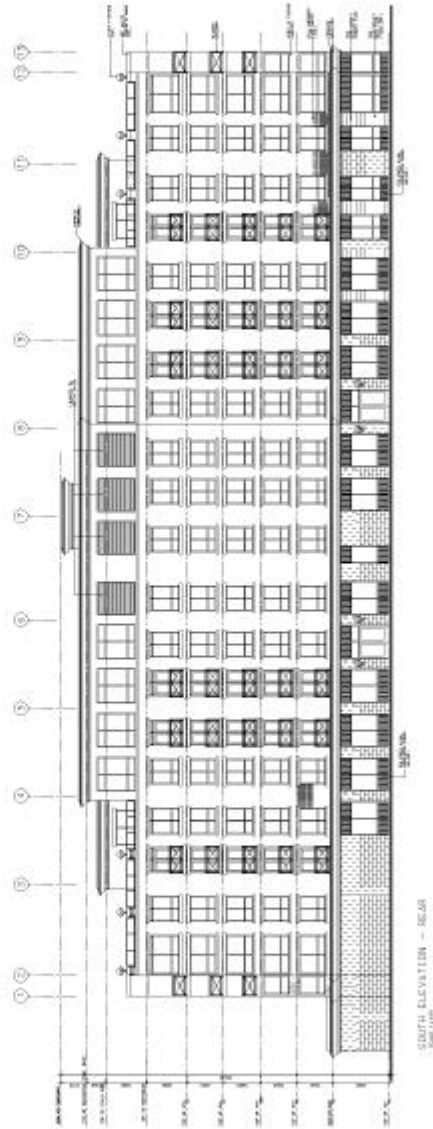
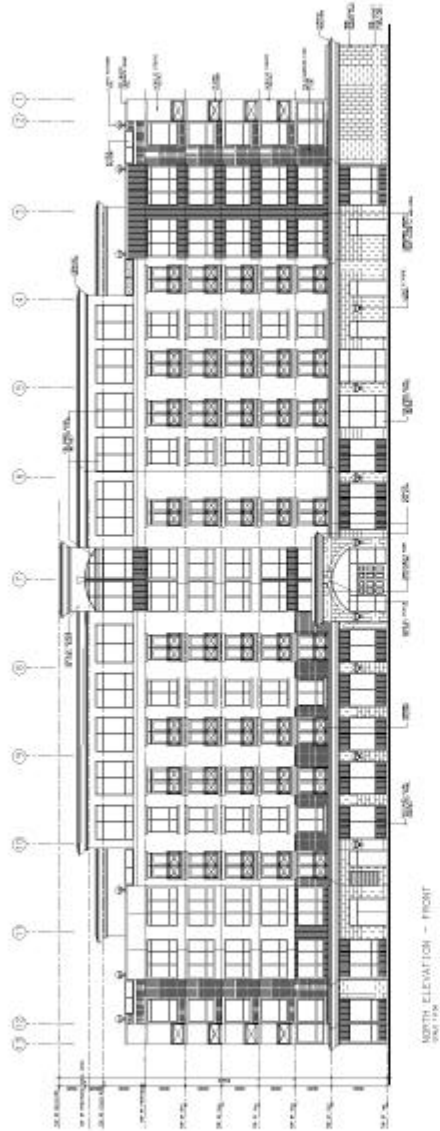


Not to Scale  
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73 Lemonwood Drive  
File # TA-CMB2003 0003

Elevations  
Applicant's Submitted Drawing

Attachment 2b



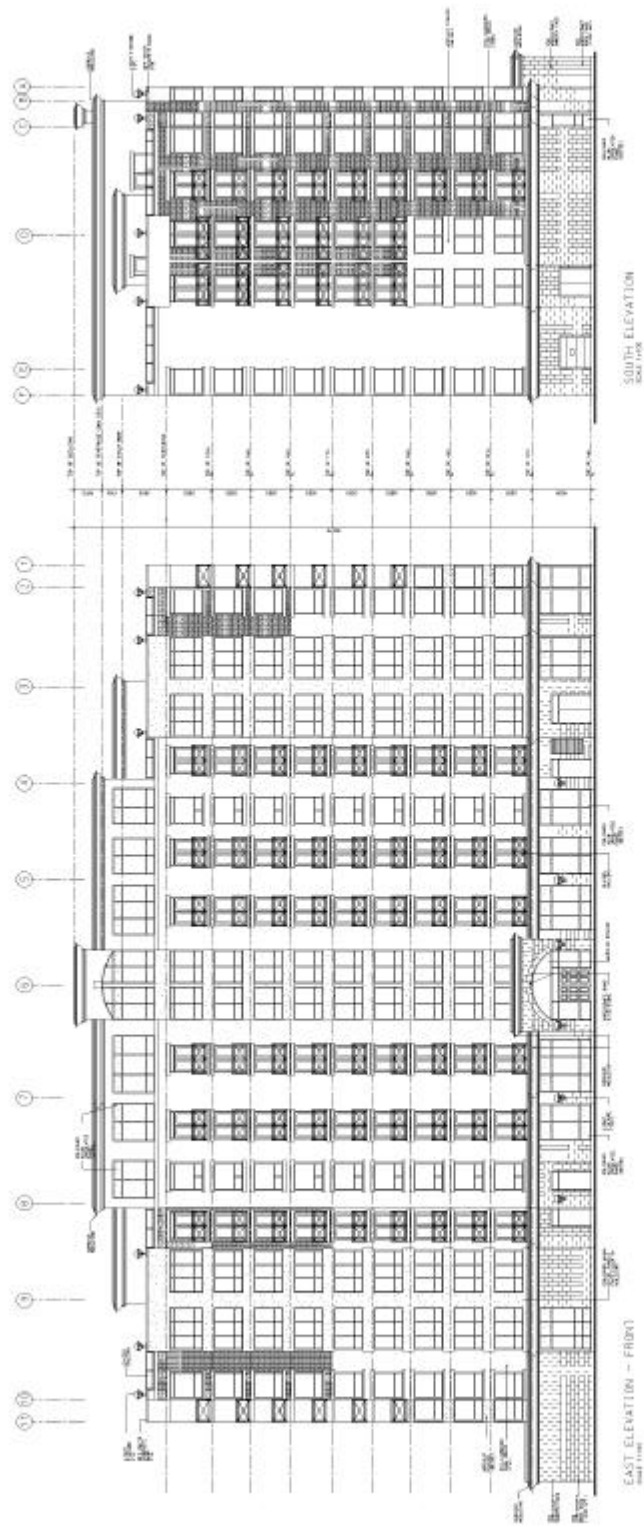
Elevations

Applicant's Submitted Drawing

75 Lemonwood Drive

File # TA-CMB2003 0003

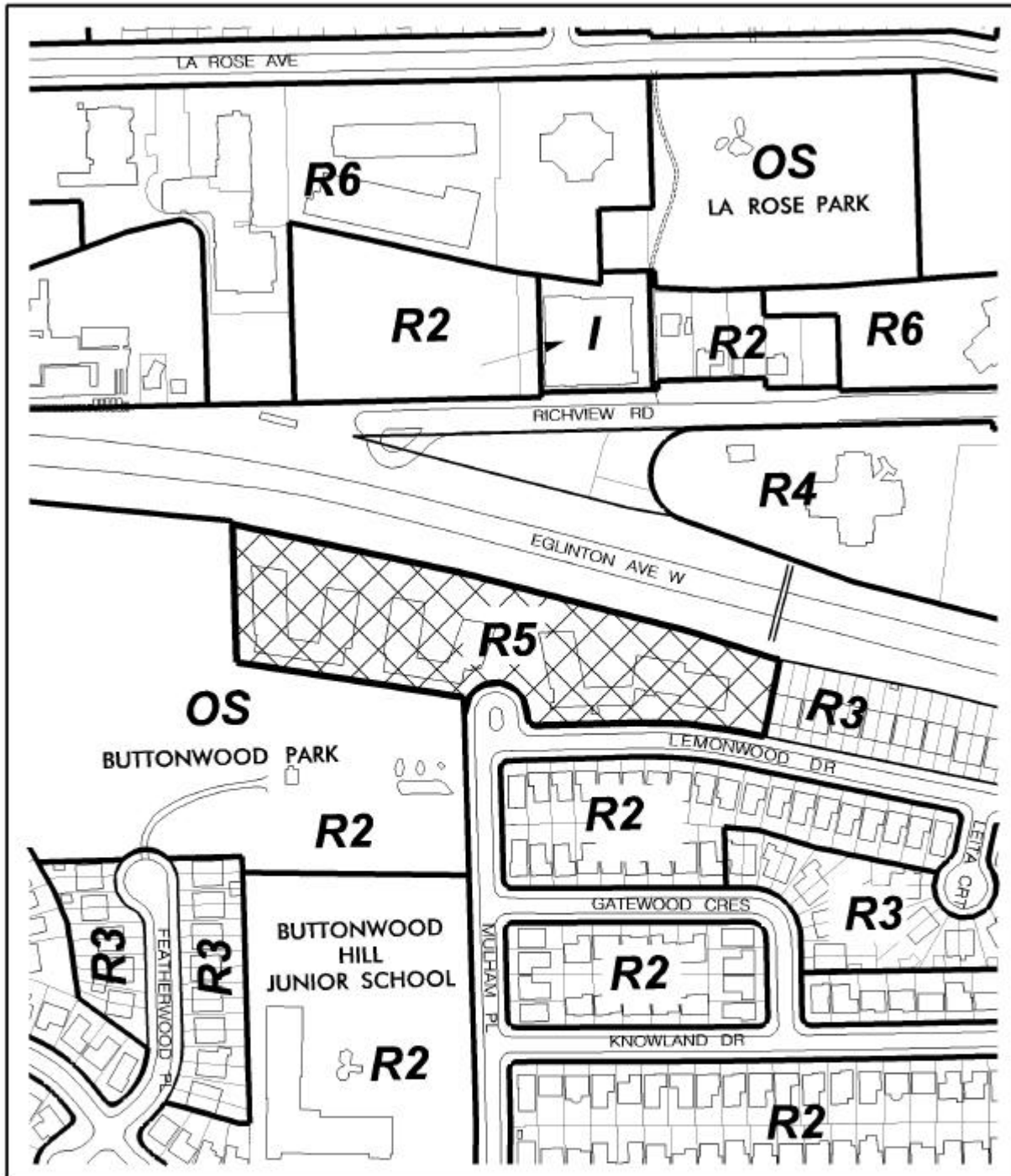
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75 Lemonwood Drive  
File # TA-CMB2003 0003

Elevations  
Applicant's Submitted Drawing



**Toronto** Urban Development Services  
Zoning

**75 Lemonwood Drive**

File TA CMB 2003 0003

R2	Residential Second Density	R5	Residential Fifth Density
R3	Residential Third Density	OS	Public Open Space
R4	Residential Fourth Density		

↑ Attachment 3

Not to Scale  
Zoning By-law 11,737 as amended  
Extracted 07/March/2003 - JM

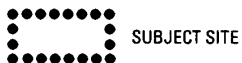
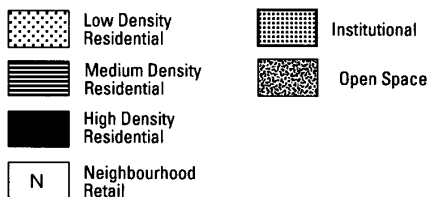




**Toronto** Urban Development Services  
**Official Plan**

**75 Lemonwood Drive**  
 File # TA CMB 2003 0003

**Land Use**



Attachment **4**

Not to Scale  
 Etobicoke Official Plan Map 4 as amended  
 Extracted 03/06/03 - MH

## Attachment No. 5 APPLICATION DATA SHEET

### ***Combination***

Site Plan Approval:	No	File Number:	
Rezoning:	Yes	Application Number:	<b>TA CMB 2003 0003</b>
O.P.A.:	Yes	Application Date:	01/28/2003

Municipal Address: 75 Lemonwood Dr

Nearest Intersection: north side of Lemonwood Dr., east of Mulham Place.

Project Description: Proposed amendments to the Official Plan and Etobicoke Zoning Code to permit the development of a mixed use project consisting of: 75, 3-storey (rental) townhouse units; 1, 7-storey retirement home with 103 units; and, 1, 11-storey retirement home with 156 units

<b>Applicant:</b> THE ROCKPORT GROUP 170 Donway West Toronto M3C2G3 (416) 444-7391	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b> STUDIO COURT LIMITED 170 The Donway West Toronto M3C2G3 (416) 444-7391
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### **PLANNING CONTROLS (For verification refer to Chief Building Official)**

Official Plan Designation:	Site Specific Provision:
Zoning District:	Historical Status:
Height Limit (m): 0	Site Plan Control Area: Yes

### **PROJECT INFORMATION**

Site Area:	21129.35	<b>Height:</b>	Storeys:	<b>3, 7 &amp; 11</b>
Frontage:	134			
Depth:	0			

		Indoor	Type	Outdoor	Type	Off Site	Leased
Ground Floor GFA:	5036	<b>75</b>		<b>180</b>		0	0
Residential GFA:	27263	0		0			
Non-Residential GFA:	0	0		0			
Total GFA:	27263	0		0			

### **DWELLING UNITS**

<b>Tenure Type:</b>	Rental
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3+ Bedroom:	0
Total Units:	334

### **FLOOR AREA BREAKDOWN**

	Above Grade	Below Grade
Residential GFA:	27263	
Retail GFA:	0	
Office GFA:	0	
Industrial GFA:	0	
Industrial/Other GFA:	0	

Attachment 6

Authority: Toronto West Community Council Report No. ~, Clause No. ~,  
as adopted by City of Toronto Council on ~ 2004.  
Enacted by Council: ~ 2004.

**CITY OF TORONTO**

**BY-LAW No. ~ -2004**

To adopt Amendment No. 116-2003 of the Official Plan of the Etobicoke Planning Area with respect  
to the lands located at 75 Lemonwood Drive

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  
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 Amendment No. 116-2003 to the Official Plan of the former City of Etobicoke  
consisting of the text and Map attached hereto as Schedule A is hereby adopted.
2. This By-law shall come into force and take effect on the day of the final passing thereof.

ENACTED AND PASSED this ~ day of ~ , 2004.

Deputy Mayor

(Corporate Seal)

ULLI S. WATKISS,  
City Clerk

**1. MAP CHANGES**

Map 5 – “Site Specific Policies” is hereby amended by adding Site Specific Policy No. 89 as shown on Schedule “A” attached.

**2. TEXT CHANGES**

The development of the lands affected by this Amendment will be consistent with the applicable policies contained in the Official Plan of the Etobicoke Planning Area and with the following Site Specific Policy which is hereby added to Section 5.1.2:

89        Lands located at 75 Lemonwood Drive, south of Eglinton Avenue

Notwithstanding the permitted uses and density in Medium Density Residential designations, permitted uses on this site shall be restricted to a maximum of 75 rental townhouses and two senior citizens’ retirement home facilities or nursing home/long term care facilities as follows:

One 7 storey, 103 unit building and, one 11 storey, 156 unit building

The foregoing uses are permitted provided that, pursuant to Section 37 of the Planning Act, the owner of the lands, at its expense and in accordance with and subject to the agreement referred to in paragraph 2 below:

- (I)        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 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 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
- (d) the balance of the rental replacement units shall have rents which do not exceed mid-range rents, as follows:
  - (i) 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;
- (e) the rents charged to tenants occupying a new affordable replacement dwelling 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 dwelling unit; and
- (f) rents charged to tenants newly occupying a dwelling 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 (d) (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 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 and 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.

III constructs or pays to the City the equivalent sum for improvements to Buttonwood Park

- 2 The owner of the site at its expense shall enter into an agreement with the City of Toronto pursuant to Section 37 of the Planning Act to secure the facilities, services and matters required in Section 1 herein and agrees to the registration of such agreement against the site, as a first charge.

3. **IMPLEMENTATION**

The policy established by this Amendment will be implemented by a site specific amendment to the Zoning Code, Council’s conditions to approval, and the signing and registering of the appropriate agreements.

**4. INTERPRETATION**

The provisions of the Official Plan as they may be amended from time to time with respect to the interpretation of the plan shall apply with respect to this Amendment.

Attachment 7

Authority: Toronto West Community Council **Report Number** \_\_\_, **Clause No.** \_\_\_,  
adopted as amended, by City of Toronto Council **on date**  
Enacted by Council: **date**

**CITY OF TORONTO**

**BY-LAW No. \_\_\_\_\_**

**To adopt Amendment No. 23 of the Official Plan of the City of Toronto respecting the  
lands known municipally as 75 Lemonwood Drive**

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 has provided adequate information to the public and has held at least one  
public meeting in accordance with the Planning Act, and

WHEREAS the Council of the City of Toronto, at its meeting of **date**, determined to amend the  
Official Plan for the City of Toronto adopted by By-law No. 1082-2002;

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

1. The text and maps attached hereto are hereby adopted as amendments to the Official Plan of  
the City of Toronto.
2. This is Official Plan Amendment No. 23.

ENACTED AND PASSED this \_\_\_ day of \_\_\_, A.D. 2004.

New Deputy Mayor,  
Deputy Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)



City of Toronto By-law No. \_\_\_\_

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**AMENDMENT NO. 23 TO THE OFFICIAL PLAN OF THE CITY OF TORONTO**

**75 LEMONWOOD DRIVE**

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The following Text and Maps constitute Amendment No. 23 to the City of Toronto Official Plan (being an amendment to the provisions of the Official Plan, Chapter 4, Land Use Designations and Chapter 7, Site and Area Specific Policies).

The sections headed “Purpose and Location” and “Basis” are explanatory only, and shall not constitute part of this amendment.

City of Toronto By-law No. \_\_\_\_

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**PURPOSE AND LOCATION:**

The proposed amendment is for the redevelopment and intensification of a site located on the south side of Eglinton Avenue east of Royal York Road (known municipally as 75 Lemonwood Drive). This two phase proposal will replace the existing 88 rental dwelling units, with 75, 3 storey rental townhouses, a 7 storey, 103 unit rental retirement building and a 11 storey, 156 unit rental retirement building.

**BASIS:**

The proposal is compatible with development in the general area and will not result in any significant negative impacts on nearby single-family detached homes or on the character and function of the surrounding streets.

**OFFICIAL PLAN AMENDMENT:**

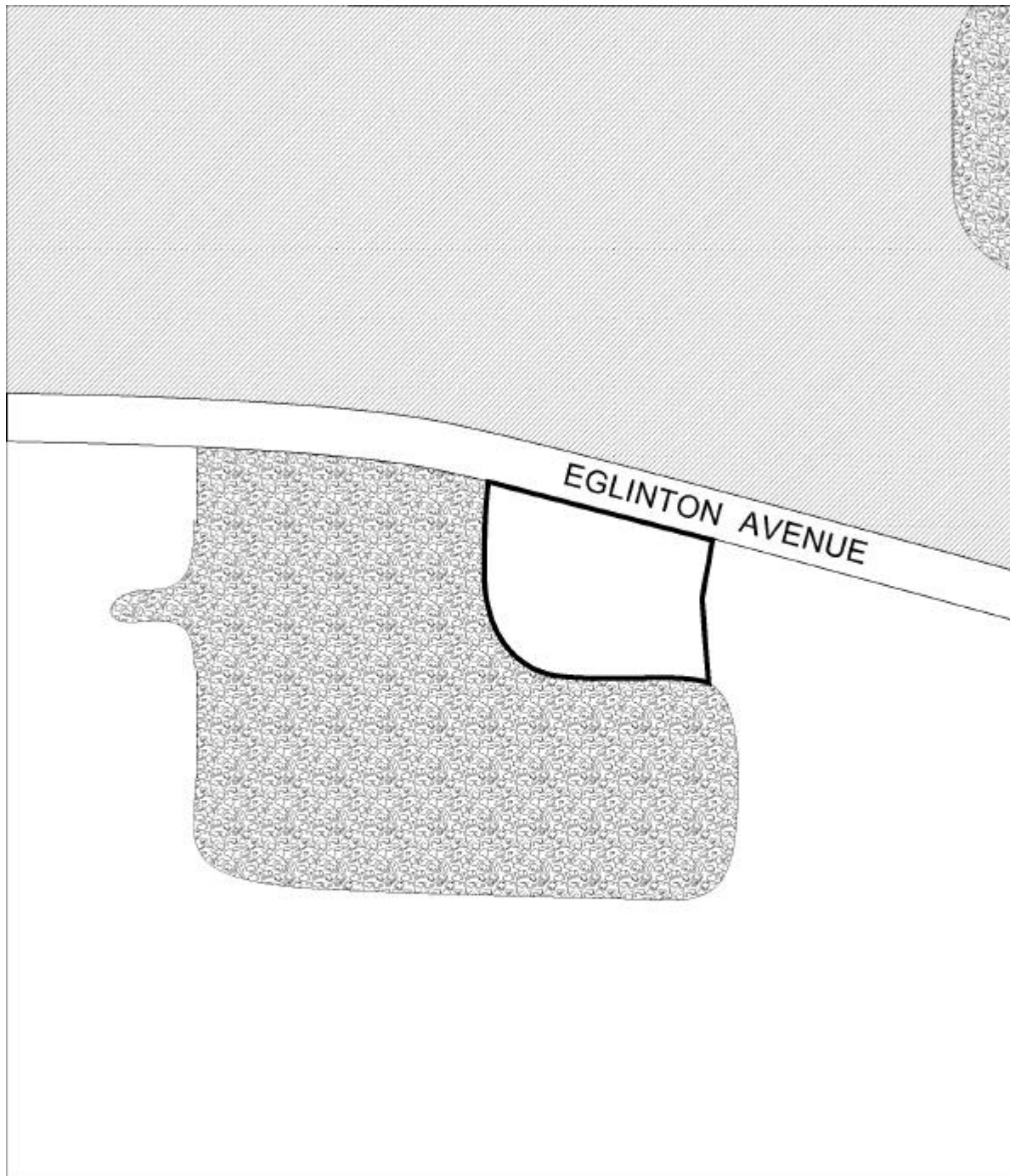
The Official Plan of the City of Toronto is amended as follows:

1. Maps 12 , 13 and 14, Land Use Plan are amended by re-designating part of the lands known as 75 Lemonwood Drive from Neighbourhoods to Apartment Neighbourhoods in accordance with Schedule 'A' attached hereto.
2. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy 244 as follows

244.       **75 Lemonwood Drive**

Only senior citizen's retirement home facilities or nursing home/long term care facilities are permitted.





## Official Plan Amendment #23 - Schedule A

75 Lemonwood Drive

File # TA CMB 2003 003



Site Location - from Neighbours to Apartment Neighbours on  
Maps 12, 13 and 14 Land Use Plan



Parks



Neighbourhoods



Apartment Neighbourhoods



Not to Scale  
12/16/03

Attachment 8

Authority: Toronto West Community Council Report No. ~, Clause No. ~,  
as adopted by City of Toronto Council on ~ 2003.  
Enacted by Council: ~ 2003.

**CITY OF TORONTO**

**BY-LAW No. ~ -2003**

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to 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 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 maximum number of townhouse dwelling units shall not exceed 75;
  - c) The maximum lot coverage shall not exceed thirty-five per cent (35%) of the area;
  - d) The minimum landscaped open space shall be not less than thirty-five per cent (35%) of the area;
  - e) The maximum building height shall be 3 storeys, 10.0 metres;

- f) The minimum number of parking spaces required shall be 2.0 spaces per unit, plus 0.2 spaces per unit 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 Nursing Home/Long Term Care Facility
- 4 Notwithstanding Section 320.73, Article XV11 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 Nursing Home/Long Term Care Facility.
- 5 Notwithstanding Section 320.73, Article XV11 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:  
One, 7 storey, 103 unit, Senior Citizens' Retirement Home Facility or Nursing Home/Long Term Care Facility; and,  
One, 11 storey, 156 unit, Senior Citizens' Retirement Home Facility or Nursing Home/Long Term Care Facility;
  - 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 area;
  - e) The minimum landscaped open space shall be not less than forty per cent (40%) of the area;
  - f) The minimum number of parking spaces shall be 0.25 spaces per unit plus 0.10 spaces per unit for visitors;
  - g) The maximum floor space index shall not exceed 1.8.
- 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 applies.

The owner of the subject lands, at the owner's expense and 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

- (I) 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 amendment;
  - (c)
    - (i) at least 56 of the rental replacement units shall have affordable rents as follows:

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 dwelling 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 dwelling unit; and
  - (e) rents charged to tenants newly occupying a dwelling 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 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.

- 6 The agreement referred to above shall include provisions for the upgrading of Buttonwood Park.
- 8 Where the provisions herein conflict with the Zoning Code, the provisions of this by-law shall take precedence, otherwise the Zoning Code shall continue to apply.
- 9 Chapter 324, Site Specifics, of the Etobicoke 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-laws:

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

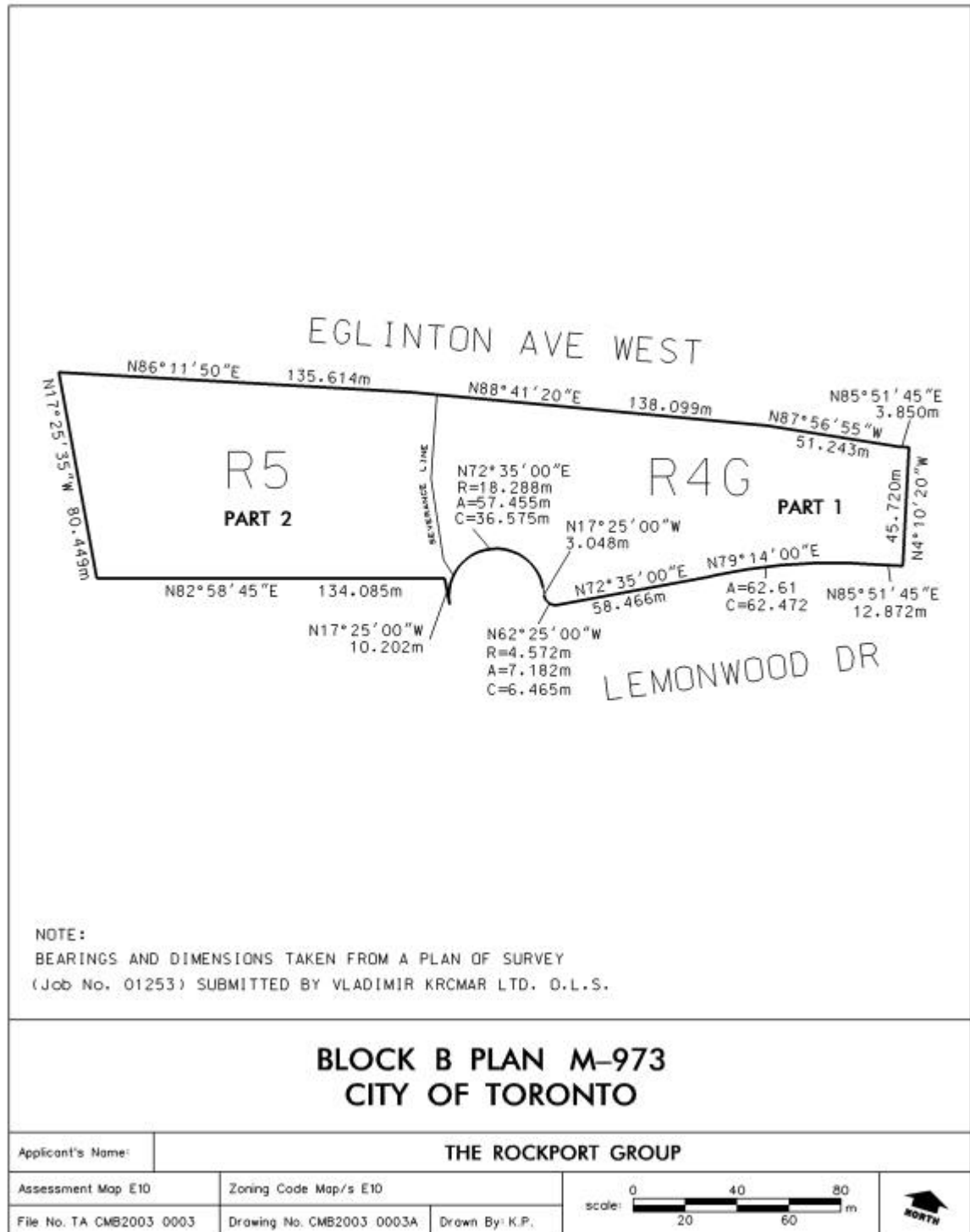
ENACTED AND PASSED this ~ day of ~ , 2004.

Deputy Mayor



(Corporate Seal)

ULLI S. WATKISS,  
City Clerk

**Toronto** Schedule 'A' BY-LAW





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

## Attachment 9

Section 4.2.19 of the Etobicoke Official Plan contains criteria to be considered in evaluating proposals for intensification in a medium or high density residential designation. With respect to this proposal, the criteria and responses are as follows:

- (a) proximity of the site to retail facilities, or to other Medium or High Density designations;

The site is about half a kilometre from a neighbourhood retail plaza on Scarlet Road and across Eglinton Avenue from a High Density Residential designation.

- (b) adequacy of local social and educational services;

This redevelopment is proposed in an area of established social and educational services.

- (c) level of accessibility and the proximity of the site to collector roads, arterial roads, transit and expressways and the capacity of those facilities;

The site is adjacent to Eglinton Avenue, a main arterial road with transit service and providing good access to Highways 427 and 401, and does not stress the capacities of those facilities.

- (d) suitability of the site in terms of size and shape to accommodate the proposed density including on-site parking, landscaping and recreational facilities;

The site is adequate in size and shape to accommodate the proposed density.

- (e) desire to provide a range of dwelling types and building heights on sites of sufficient size;

This proposal will provide different dwelling types; townhouses and seniors units, and a range of heights; 3 storey townhouses and a 7 storey and 11 storey retirement buildings.

- (f) the effect of increased traffic, so that no undue adverse impacts are created for local residential streets;

A traffic study submitted in support of the proposal indicates that no undue adverse impacts will be created on local streets.

- (g) the effect of the height and form of the development so that no undue adverse impacts in terms of overshadowing or loss of amenity are created for neighbouring residential uses;

The locations of the 7 and 11 storey buildings on the west side of the site adjacent to Buttonwood Park, results in no adverse impacts, such as shadowing, for neighbours.

- (h) the relationship of the site to nearby lower density residential uses, if any, in view of the desire to provide a gradual transition in height and density wherever possible, or other buffering measures;

The present relationship with single-family units on Lemonwood Drive will be maintained with the new townhouses adjacent to Lemonwood Drive and with a transition in height and density towards the west part of the site.

- (i) the degree to which the site is proximate or exposed to significant open space amenities such as valleylands or the waterfront;

The site is about half a kilometre from the Humber River valley and is immediately adjacent to Buttonwood Park.

- (j) the ability to meet the housing targets in the Plan; and,

This development will assist in meeting the housing targets for new units, for rental units and for affordable units.

- (k) the desire to stay within the population ranges in the Plan.

This proposal stays within the population ranges in the Plan.

