

Authority: Ontario Municipal Board Decision issued on April 26, 2017 and Local Planning Appeal Tribunal Order issued on July 25, 2019 and April 30, 2021 in Tribunal File PL160173

CITY OF TORONTO

BY-LAW 407-2021(LPAT)

To amend former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known in the year 2018 as 1087, 1091, and 1095 Leslie Street.

Whereas the Ontario Municipal Board, by its Decision issued on April 26, 2017, and Local Planning Appeal Tribunal, by its Order issued on July 25, 2019 and April 30, 2021 in Tribunal File PL160173 approved amendments to the former City of North York Zoning By-law 7625, as amended with respect to the lands; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in the height or density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act may authorize increases in height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provisions of such facilities, services or 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 and matters in return for an increase in the height or density of development, a 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 owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by the former City of North York Zoning By-law 7625, as amended, is permitted in return for the provision of the facilities, services and matters set out in the By-law which is secured by one or more agreements between the owner and the land and the City of Toronto;

Now therefore pursuant to the Order of the Local Planning Appeal Tribunal, the former City of North York Zoning By-law 7625 is further amended as follows:

1. Schedule "C" of By-law 7625 of the former City of North York is hereby amended in accordance with Schedule 1 of this By-law.
2. The lands subject to this By-law are outlined in heavy black lines and identified on Schedule 2 of this By-law.
3. By-law 931-2009 does not apply to the lands outlined in heavy black lines and identified on Schedule 2 of this By-law.

4. Section 64.23 (57) of By-law 7625 of the former City of North York, as it applies to the lands outlined in heavy black lines and identified on Schedule 2 of this By-law, is replaced with the following:

"64.23 (57) C1 (146)

DEFINITIONS

- (a) For the purpose of this exception, "apartment house dwelling" shall mean a building containing more than four (4) dwelling units, each unit having access from an internal corridor system, and/or access from directly outside of the building;
- (b) For the purpose of this exception:
 - (i) "car-share" shall mean the practice whereby a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization and such car-share motor vehicles are made available for short term rental, including hourly rental by means of on-site parking space(s); and
 - (ii) "car-share parking space" means a parking space exclusively reserved and signed for a car used only for car-share purposes;
- (c) For the purpose of this exception, "established grade" shall be defined as the Canadian Geodetic Datum of 125.0 metres;
- (d) For the purpose of this exception "gross floor area" shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level, excluding: parking loading and bicycle parking below-ground; required loading spaces at the ground level and required bicycle parking spaces at or above-ground; storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement; shower and change facilities for required bicycle parking spaces; amenity space required by this By-law; elevator shafts; garbage shafts; mechanical penthouse; and exit stairwells in the building;
- (e) For the purposes of this exception, "the lands" shall mean the area outlined in heavy black lines and identified on Schedule 2 of this By-law;
- (f) For the purposes of this exception, the "first storey" shall mean the storey with the floor closest to the geodetic datum of 125.0 metres;
- (g) For the purpose of this exception, "tower floor plate" shall mean the area of a floor of a building measured from the exterior of the main walls, but excluding inset and projecting balconies;

PERMITTED USES

- (h) Block 1 shown on Schedule C1(146)(2):
Apartment House Dwelling;
- (i) Block 2 shown on Schedule C1(146)(2):
Apartment House Dwelling
Retail Store
Personal Service Shop
Car-share Parking Spaces
- (j) Block 3 shown on Schedule C1(146)(2);
Parking Structure associated with a Motor Vehicle Dealership;

GROSS FLOOR AREA

- (k) The maximum gross floor area on Blocks 1 and 2 shown on Schedule C1(146)(2), is 99,170 square metres, of which a maximum of 500 square metres may be used for commercial purposes;

DWELLING UNITS

- (l) The maximum number of residential dwelling units permitted is:
 - (i) 786 on Block 1 shown on Schedule C1(146)(2); and
 - (ii) 394 on Block 2 shown on Schedule C1(146)(2);

BUILDING HEIGHT

- (m) The maximum building height and number of storeys is the numerical value following the HT and ST symbols, as shown on Schedule C1(146)(1);
- (n) Despite (m) above, the following elements of a building may exceed the permitted maximum building height as follows:
 - (i) 0.9 metres for skylights and roof access hatch;
 - (ii) 1.5 metres for architectural features, parapets, railings and guard railings;
 - (iii) 1.8 metres for terrace dividers and privacy screens;
 - (iv) 3.0 metres for wind screens, wind and mitigation structures, canopies, trellises, awnings and/or other similar shade devices and associated structures, outdoor amenity space elements including outdoor kitchens;

- (v) 6.5 metres for elevator overruns, stairs, stair enclosures, crash walls, vents, stacks, flues, chimneys, mechanical equipment and associated enclosures; and
- (vi) 10.5 metres for window washing equipment and associated enclosures;

MAXIMUM TOWER FLOOR PLATE

- (o) The maximum permitted tower floor plate for Tower A shown on Schedule C1(146)(1):
 - (i) 870 square metres for the 13th storey to the 21st storey, inclusive;
 - (ii) 830 square metres for the 22nd storey to the 27th storey, inclusive; and
 - (iii) 750 square metres for the portion of the building including and above the 28th storey;
- (p) The maximum permitted tower floor plate for Tower B shown on Schedule C1(146)(1) is:
 - (i) 775 square metres for the 13th storey to the 20th storey, inclusive;
 - (ii) 745 square metres for the 21st storey to the 24th storey, inclusive; and
 - (iii) 715 square metres for the portion of the building including and above the 25th storey;
- (q) The maximum permitted tower floor plate for Tower C shown on Schedule C1(146)(1) is:
 - (i) 875 square metres for the 13th storey to the 16th storey, inclusive;
 - (ii) 860 square metres for the 17th storey to the 24th storey, inclusive;
 - (iii) 820 square metres for the 25th storey to the 34th storey, inclusive; and
 - (iv) 770 square metres for the portion of the building including and above the 35th storey;

COVERAGE

- (r) No maximum lot coverage applies;

SETBACKS, STEPBACKS and SEPARATION DISTANCES

- (s) The minimum setbacks are as shown on Schedule C1(146)(1);
- (t) The minimum stepbacks are as shown on Schedule C1(146)(1);

- (u) The minimum building separation distances are as shown on Schedule C1(146)(1);
- (v) Despite Section 6(9) of By-law 7625 and Sections (s), (t) and (u) above, covered or uncovered exterior stairways and walkways above the following elements of a building may encroach into a required building setback, and/or minimum above-ground distance between main walls, as shown on Schedule C1(146)(1), to a maximum of:
 - (i) 0.9 metres for architectural features, including but not limited to cornices, piers, eaves, roof overhangs, mouldings, sills, scuppers, rain water leaders, lighting fixtures and bay windows;
 - (ii) 1.5 metre for balconies and guard rails;
 - (iii) 1.5 metres for window washing equipment;
 - (iv) 4.7 metres for retaining walls and stairs;
 - (v) 4.0 metres for stoops, decks, porches, canopies, trellises, privacy screens, awnings and/or other similar shade devices and their associated structural elements, utility meters and associated enclosures, railings, vents and structures for wind mitigation; and
 - (vi) 5.0 metres for covered bicycle storage enclosures, ramps, garage ramps and associated structures;
- (w) Despite (v)(iv) above, landscaping features including pathways, stairs and retaining walls may encroach without limit into the required building setbacks from the north lot line and the west lot line;

RECREATIONAL AMENITY AREA

- (x) Recreational Amenity Area shall be provided within each of Blocks 1 and 2 shown on Schedule C1(146)(2) as follows:
 - (i) outdoor: a minimum of 2.0 square metres per apartment house dwelling unit; and
 - (ii) indoor: a minimum of 2.0 square metres per apartment house dwelling unit;

PARKING

- (y) Despite Sections 6A(2) of By-law 7625, parking space rates shall be provided within each of Blocks 1 and 2 shown on Schedule C1(146)(2) as follows:
 - (i) a minimum of 0.7 parking spaces required for each bachelor and 1-bedroom apartment house dwelling unit;
 - (ii) a minimum of 0.9 parking spaces required for each 2-bedroom apartment house dwelling unit;

- (iii) a minimum of 1.0 parking spaces required for each 3-bedroom or greater apartment house dwelling unit;
- (iv) a minimum of 0.1 visitor parking spaces required for each apartment house dwelling unit; and
- (v) a minimum of 1 parking space per 100 square metres of non-residential gross floor area;

BICYCLE SPACES

- (z) Bicycle parking spaces shall be provided within each of Blocks 1 and 2 shown on Schedule C1(146)(2) as follows:
 - (i) a minimum of 0.9 resident bicycle parking spaces for each dwelling unit; and
 - (ii) a minimum of 0.1 visitor bicycle parking space for each dwelling unit;

LOADING SPACES

- (aa) Despite Section 6A(16)(c)(ii) of By-law 7625, as amended, loading spaces are not required to be separated by a fixed barrier from the rest of the floor area;
- (bb) Despite Section 6A(16)(d)(iv) of By-law 7625, as amended, the area in front of a loading space may be less than the length and width of the loading space it serves;

SECTION 37

- (cc) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development beyond that otherwise permitted on the lands shown on Schedule C1(146)(1) in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A of By-law 407-2021(LPAT) and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
- (dd) Where Schedule A of By-law 407-2021(LPAT) requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same;
- (ee) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A of By-law 407-2021(LPAT) are satisfied;

OTHER PROVISIONS

- (ff) Within the lands shown on Schedule C1(146)(1), no person shall use any land, building or structure, except for the existing building located within Block 3 and

illustrated on Schedule C1(146)(1), and no person shall erect any building or structure, except for below grade construction and foundations, unless the following municipal services are provided to the lot line and the following provisions are complied with:

- (i) all new public roads have been constructed to a minimum of base curb and base asphalt, and are connected to an existing public highway; and
 - (ii) all water mains and sanitary sewers, and appropriate appurtenances have been installed and are operational; and
- (gg) Within the lands shown on Schedule C1(146)(1), no person shall erect or use any building or structure above grade, with the exception of the use of the existing building located within Block 3 and illustrated on Schedule C1(146)(1), until Street A also shown on Schedule C1(146)(1) has been dedicated as public highway.
5. For the purpose of the revisions to Section 64.23(57) of By-law 7625, as amended, as set out Section 4 hereof, the facilities, services and matters required pursuant to Section 37 of the Planning Act are set out at Schedule A to this By-law.
 6. Notwithstanding any future severance or division of the lands, the provisions of this exception shall continue to apply to the whole of the lands as if no severance or division has occurred.
 7. Except as provided herein, By-law 7625 of the former City of North York, as amended, shall continue to apply.

Ontario Municipal Board Decision issued on April 26, 2017 and Local Planning Appeal Tribunal Order issued on July 25, 2019 and April 30, 2021 in Tribunal File PL160173.

Schedule A

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development within the lands as shown in Schedule C1(146)(1) to the exception set out in Section 4 of this By-law, and secured in an agreement or agreements pursuant to Section 37(3) of the Planning Act, on terms set out therein satisfactory to the Chief Planner and Executive Director, City Planning (the "Chief Planner"), including provision for upward indexing in accordance with the Statistics Canada Apartment Construction Price Index for Toronto Census Metropolitan Area from the date of such agreement, whereby the owner agrees as follows:

Contribution toward Pedestrian and Cycling Connections

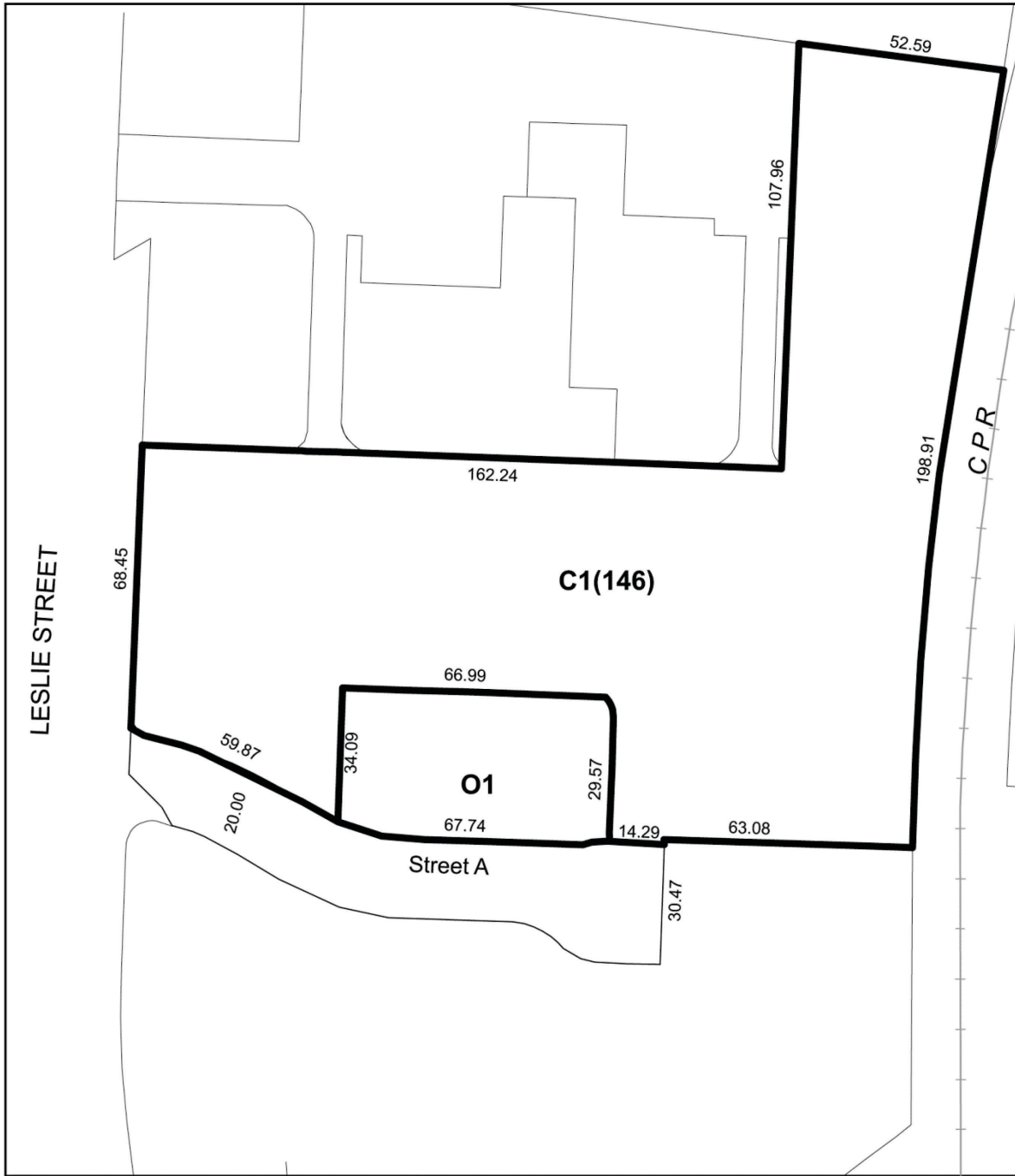
- (1) The Owner shall make a contribution in the amount of five million four hundred thousand dollars (\$5,400,000 CAN) for allocation toward pedestrian and cycling connections in the vicinity of the lands on terms and conditions set out in the Section 37 Agreement, including indexing, and to be provided as follows:
 - (i) prior to issuance of an above-grade building permit for the first building on the lands and to the satisfaction of the Chief Planner, the owner shall submit plans and drawings together with financial security to secure the cost of the design and construction by the owner of a multi-use connection extending along Leslie Street from a determined location in the vicinity of the lands and extending southerly to interface with Eglinton Avenue East; and
 - (ii) prior to issuance of an above-grade building permit for the first building on the lands and to the satisfaction of the Chief Planner, the owner shall submit a financial contribution by way of certified cheque payable to the Treasurer, City of Toronto in an amount that, in combination with the amount of financial security provided in Clause (1)(i) above, equals the total contribution required, subject to indexing, to be allocated at the discretion of the Chief Planner, in consultation with the Ward Councillor, toward pedestrian and cycling connections in the vicinity of the lands, including connections from the lands south to Eglinton Avenue East, west to Sunnybrook Park, east across the adjacent railway corridor, and north the Leaside CN Rail Spur Trail; or
 - (iii) in the alternative to Clauses (1)(i) and (ii) above and on the election of the Chief Planner pursuant to terms set out in the Section 37 Agreement, prior to issuance of an above-grade building permit for the first building on the lands, the owner shall submit a financial contribution by way of certified cheque payable to the Treasurer, City of Toronto in an amount equal to the total financial contribution of five million four hundred thousand dollars (\$5,400,000 CAN) subject to indexing to the date of payment, less reductions for preliminary design and expenses relating to proposed construction of the connection referred to in Clause (1)(i) above which are determined to be appropriate by the Chief Planner, which contribution will be allocated at the discretion of the Chief Planner, in

consultation with the Ward Councillor, in the same manner as set out in Clause (1)(ii) above.

- (2) In the event that any component of the financial contribution referred to in Clause (1) of this Schedule has not been used for the intended purpose within six (6) years of the By-law coming into full force and effect, the financial contributions may be redirected for another purpose(s), at the discretion of the Chief Planner, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the lands.

Privately-Owned Publicly Accessible Connection

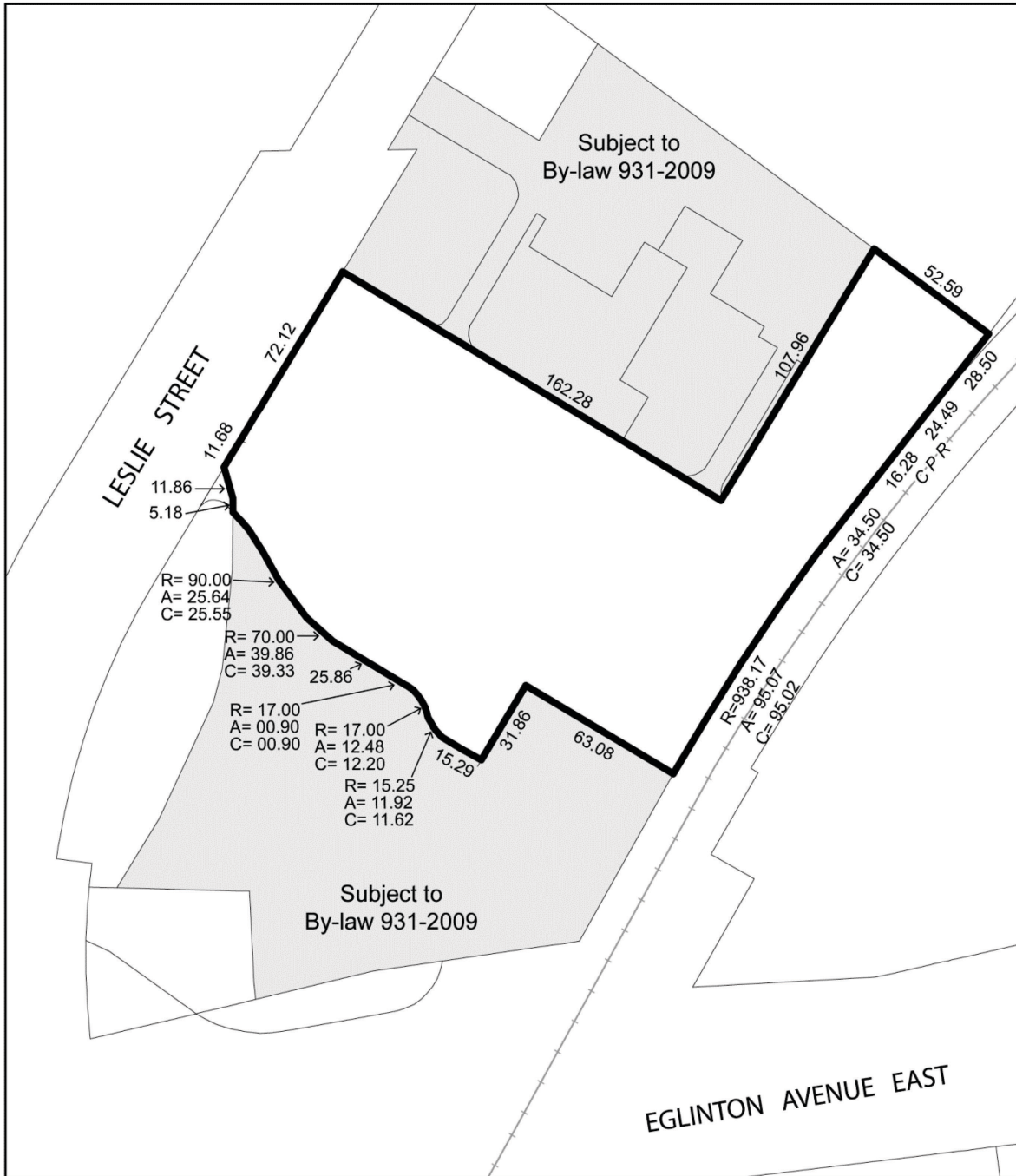
- (3) Prior to the earlier of any use or occupancy of the first building within Blocks 1 and 2 shown on Schedule C1(146)(2), including interim occupancy pursuant to the Condominium Act, 1998, S.O. 1998, c.19, as amended, and registration of a condominium on the lands, the owner shall on terms set out in the Section 37 Agreement:
- (i) construct and thereafter maintain a privately-owned publicly accessible cycling and pedestrian connection in a location generally illustrated on Schedule C1(146)(1) to the exception set out in Section 4 of this By-law, with the specific location, configuration and design of the connection to be determined in the context of site plan approval to the satisfaction of the Chief Planner, in consultation with the Ward Councillor; and
 - (ii) prepare all documents and convey to the satisfaction of the Chief Planner and the City Solicitor, free and clear of encumbrances and for nominal consideration, a public access easement, including support rights, in perpetuity in favour of the City over the privately owned publicly accessible connection referred to in Clause (3)(i) above.



 **TORONTO**
Schedule 1

1087, 1091 & 1095 Leslie Street

File # 15 108593 NNY 25 0Z




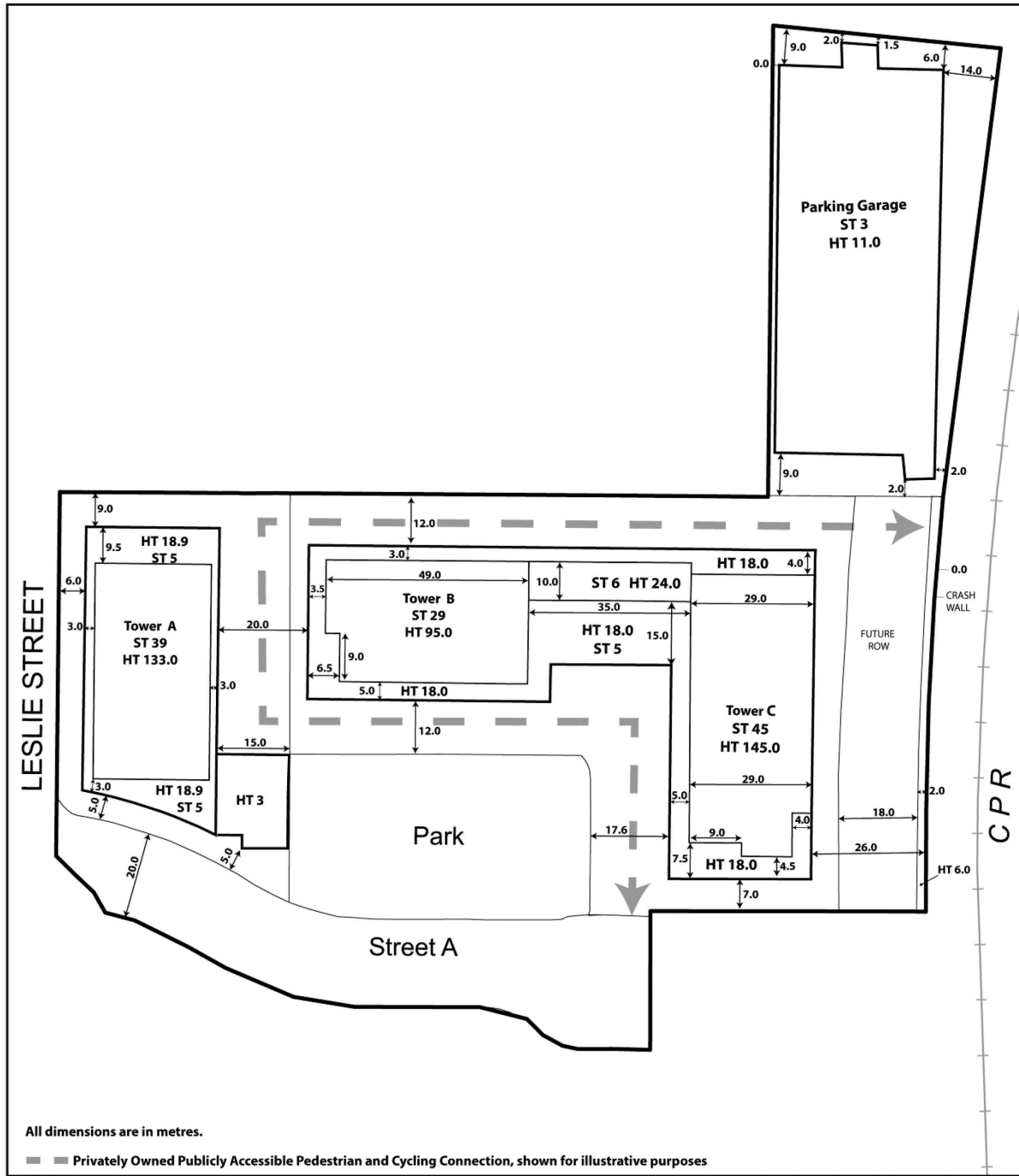
 **TORONTO**
Schedule 2

1087, 1091 & 1095 Leslie Street

File # 15 108593 NNY 25 0Z

Plan of Survey 66R - 29662, Part of Lots 1 & 2,
Concession 3 East of Yonge Street, City of Toronto.
J.D Barnes Limited, November 23, 2017


City of North York By-law 7625
Not to Scale
04/09/2019

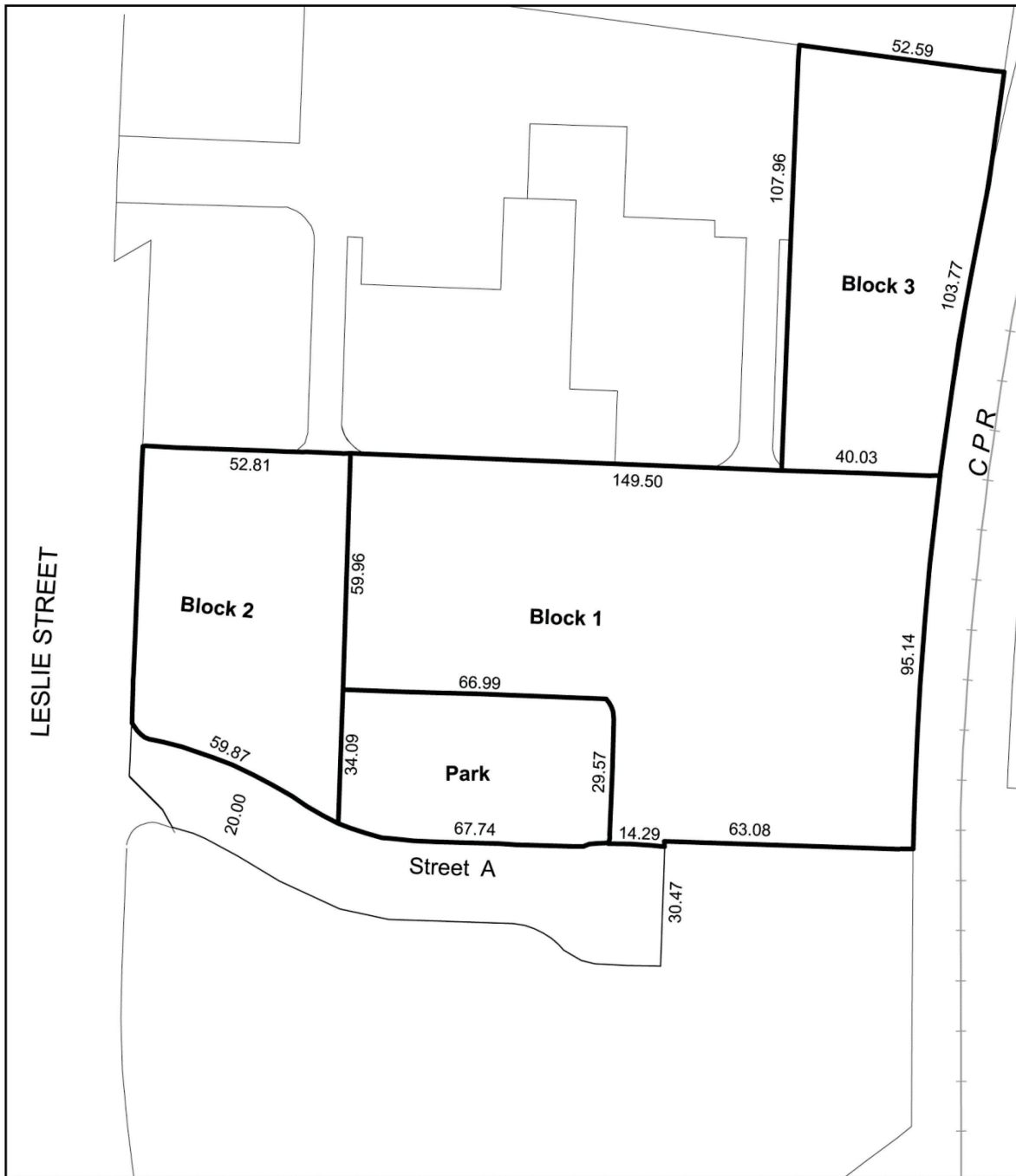


TORONTO
Schedule C1(146)(1)

1087, 1091 & 1095 Leslie Street

File # 15 108593 NNY 25 0Z





 **TORONTO**
Schedule C1(146)(2)

1087, 1091 & 1095 Leslie Street

File # 15 108593 NNY 25 0Z

↑
City of North York By-law 7625
Not to Scale
02/06/2019