

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 408-2021(LPAT)

To amend Toronto Zoning By-law 569-2013, 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 the Local Planning Appeal Tribunal, by its Order issued on July 25, 2019 and April 30, 2021 in Tribunal File PL160173 approved amendments to Toronto Zoning By-law 569-2013, 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 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 the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision 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, 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 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-wide Toronto Zoning By-law 569-2013, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner and the City of Toronto;

The Local Planning Appeal Tribunal, by Order, amends By-law 569-2013 as follows:

1. The lands subject to this By-law are outlined by heavy black lines and identified on Diagram 1 of this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: CR 1.5 (c1.5; r1.5) SS3 (x188), CR 1.5 (c1.5; r0.0) SS3 (x189), and O, as shown on Diagram 3 of this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Article 995.20.1 and applying the following zone label to these lands: HT 11.0, as shown on Diagram 4 of this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands outlined in heavy black line on Diagram 5 to this By-law to each of the following: Policy Areas Overlay Map in Article 995.10.1, Lot Coverage Overlay Map in Article 995.30.1, and Rooming House Overlay Map in Article 995.40.1.
6. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 188 so that it reads:

Exception CR 188

The lands, or portion thereof as noted below, are subject to a new Site Specific Provisions, Prevailing By-laws and Prevailing Sections, as listed below:

Site Specific Provisions:

- (A) On the lands municipally known in the year 2018 as 1087, 1091, and 1095 Leslie Street, if the requirements of By-law 408-2021(LPAT) are complied with, no provisions will prevent the erection or use of **buildings** and/or **structures** permitted by By-law 408-2021(LPAT) and in compliance with Regulations (B) through (Y) below;
- (B) For the purposes of this exception, the first **storey** is the **storey** with the floor closest to the geodetic datum of 125.0 metres;
- (C) Despite Clause 40.10.40.40, the permitted combined maximum **gross floor area** on Blocks 1 and 2 shown on Diagram 2 of By-law 408-2021(LPAT) is 99,170 square metres, of which a maximum of 500 square metres may be used for non-residential purposes;
- (D) For Blocks 1 and 2 shown on Diagram 2 of By-law 408-2021(LPAT), the permitted maximum number of **dwelling units** is:
 - (i) 786 on Block 1; and
 - (ii) 394 on Block 2;
- (E) Despite Regulation 5.10.1.30(3), a **dwelling unit** may be below **average grade**, but must not be entirely below-ground;
- (F) Despite Regulation 40.5.40.10(1), the height of a **building** or **structure** is the distance between a geodetic datum of 125.0 metres and the elevation of the highest point of a **building** or **structure**, excluding mechanical penthouses and elevator overruns;
- (G) Despite Regulation 40.10.40.1(1), residential use portions of a **building** must have a floor elevation higher than the floor elevation of all non-residential use portions of a **building**, with the exception of residential lobby access, corridors, ancillary

service/operational space and common space (including mailroom, concierge office, etc.), and indoor **amenity space**;

- (H) Despite Regulation 40.10.40.10(3), the permitted maximum height of a **building** is the numerical value in metres following the HT symbol, as shown on Diagram 6 of By-law 408-2021(LPAT), excluding mechanical penthouses, stair enclosures and elevator overruns;
- (I) Despite Regulation 40.10.40.10(5), the provisions do not apply;
- (J) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the numerical value following the ST symbol, as shown on Diagram 6 of By-law 408-2021(LPAT), excluding mechanical penthouses, stair enclosures and elevator overruns;
- (K) Despite Clause 40.5.40.10 and Regulation (H) 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;
- (L) The maximum permitted tower floor plate for Tower A shown on Diagram 6 of By-law 408-2021(LPAT) is:
 - (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**;
- (M) The maximum permitted tower floor plate for Tower B shown on Diagram 6 of By-law 408-2021(LPAT) is:
 - (iv) 775 square metres for the 13th **storey** to the 20th **storey**, inclusive;

- (v) 745 square metres for the 21st **storey** to the 24th **storey**, inclusive; and
 - (vi) 715 square metres for the portion of the **building** including and above the 25th **storey**;
- (N) The maximum permitted tower floor plate for Tower C shown on Diagram 6 of By-law 408-2021(LPAT) 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**;
- (O) For the purpose of this Exception, tower floor plate means the area of a floor of a **building** measured from the exterior of the **main walls**, but excluding inset and projecting balconies;
- (P) Despite Regulation 40.10.40.70(3), the required minimum **building setbacks** are shown on Diagram 6 of By-law 408-2021(LPAT);
- (Q) Despite Regulation 40.10.40.80(2), the required minimum above-ground distance between **main walls** are shown on Diagram 6 of By-law 408-2021(LPAT);
- (R) Despite Regulation 5.10.40.70(1), Clause 40.5.40.60, Clause 40.10.40.60 and Regulations (P), and (Q) 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 Diagram 6 of By-law 408-2021(LPAT), 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 guardrails;
 - (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

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- (vi) 5.0 metres for covered bicycle storage enclosures, ramps, garage ramps and associated **structures**;
 - (S) Despite (R)(iv) above, **landscaping** features including pathways, stairs and retaining walls may encroach without limit into the required minimum **building setbacks** from the north **lot line** and the west **lot line**;
 - (T) Despite Regulation 40.10.50.10(1)(B), where any portion of a **main wall** of a **building** is set back from the **front lot line** 3.0 metres or greater, a minimum 3.0 metre wide strip of **landscaping**, which may include driveways providing access to the site, must be provided between any **lot line** that abuts a **street** and those portions of a **main wall**;
 - (U) Despite Clause 200.5.10.1 and Table 200.5.10.1, **parking spaces** must be provided within each of Blocks 1 and 2 shown on Diagram 2 of By-law 408-2021(LPAT) as follows:
 - (i) a minimum of 0.7 **parking spaces** will be required for bachelor and 1- bedroom **dwelling units**;
 - (ii) a minimum of 0.9 **parking spaces** will be required for 2-bedroom dwelling units;
 - (iii) a minimum of 1.0 **parking spaces** will be required for 3-bedroom dwelling units;
 - (iv) a minimum of 0.1 **parking spaces** will be required for visitors of the **dwelling units**; and
 - (v) a minimum of 1 **parking space** per 100 square metres of non-residential **gross floor area**;
 - (V) Despite Regulations 40.5.80.1 and 40.10.20.20(1), car-share **parking spaces** are a permitted use on Block 2 shown on Diagram 2 of By-law 408-2021(LPAT), where:
 - (i) "car-share" means 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; and
 - (ii) A "car-share **parking space**" means a **parking space** exclusively reserved and signed for a car used only for car-share purposes;
 - (W) Despite Regulation 220.5.10.1(2), **loading spaces** must be provided as follows:
 - (i) a minimum of 1 Type "G" **loading space** is required on Block 1; and
 - (ii) a minimum of 1 Type "G" **loading space** and 1 Type "C" **loading space** are required on Block 2;

- (X) Despite Regulations 230.5.1.10(9) and 230.40.1.20(1), "long-term" **bicycle parking spaces** may be located within a secured room or area on or below the first **storey** of a **building**; and
- (Y) Despite Regulation 230.40.1.20(2), a "short-term" **bicycle parking space** for a **dwelling unit** may be located more than 30 metres from a pedestrian entrance to the **building**, if the "short-term" **bicycle parking space** is located within the **building** or the **parking garage**;

Prevailing By-laws and Prevailing Sections: (None Apply)

7. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10, Exception Number 189 so that it reads:

Exception CR 189

The lands, or portion thereof as noted below, are subject to a new Site Specific Provisions, Prevailing By-laws and Prevailing Sections, as listed below:

Site Specific Provisions:

- (A) Despite Clause 40.10.20.20, the only use permitted is a **parking garage** associated with a **vehicle dealership**;
- (B) Despite Clause 40.10.40.70, the required minimum **building setbacks** are shown on Diagram 6 of By-law 408-2021(LPAT);
- (C) Despite Regulation 40.10.40.10(3), the permitted maximum height of a **building** is the numerical value in metres following the HT symbol shown on Diagram 6 of By-law 408-2021(LPAT); and
- (D) The permitted maximum number of **storeys** in a **building** is the numerical value following the ST symbol shown on Diagram 6 of By-law 408-2021(LPAT).

Prevailing By-laws and Prevailing Sections: (None Apply)

8. Section 37 Provisions:

- (A) 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 is permitted beyond that otherwise permitted on the lands shown on Diagram 1 of this By-law return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to subsection 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;
- (B) Where Schedule A of this By-law 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; and

- (C) 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, with the exception of the use of the existing **building** within Block 3 and illustrated on Diagram 6 of this By-law, unless all provisions of Schedule A of this By-law are satisfied.
9. Despite Regulation 5.10.30.1(1), within the lands shown on Diagram 1 of this By-law, no person shall use any land, **building** or **structure**, except for the existing **building** located within Block 3 and illustrated on Diagram 6 of this By-law, 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:
- (A) 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
- (B) all water mains and sanitary sewers, and appropriate appurtenances have been installed and are operational.
10. Within the lands shown on Diagram 1 of this By-law, 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 Diagram 6 of this By-law, until Street A as shown on Diagram 2 of this By-law has been dedicated as a public highway.

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 on the lands as shown in Diagram 6 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:

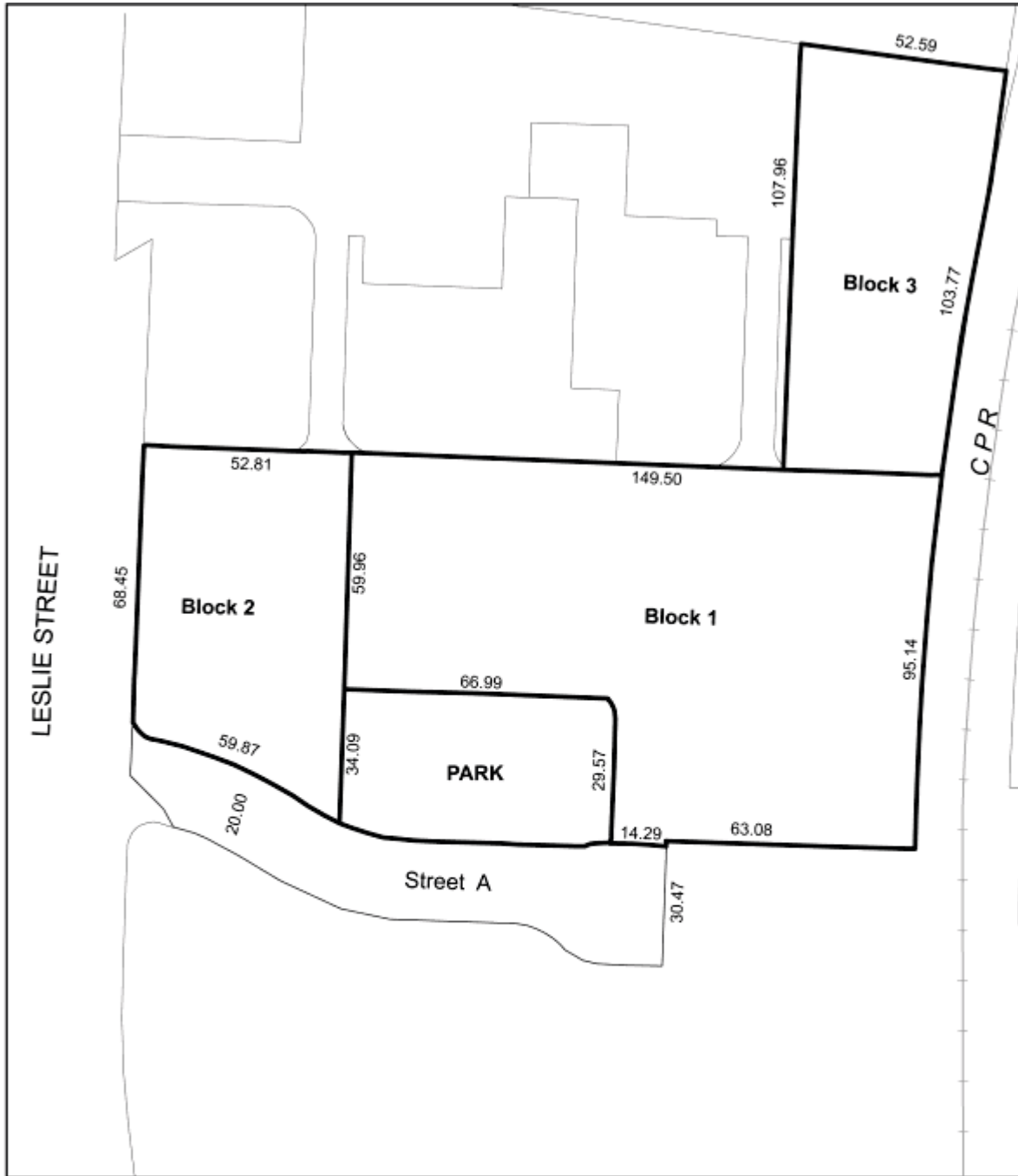
Contribution toward Pedestrian and Cycling Connections

- (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 within 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 on the lands, 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 Diagram 6 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.

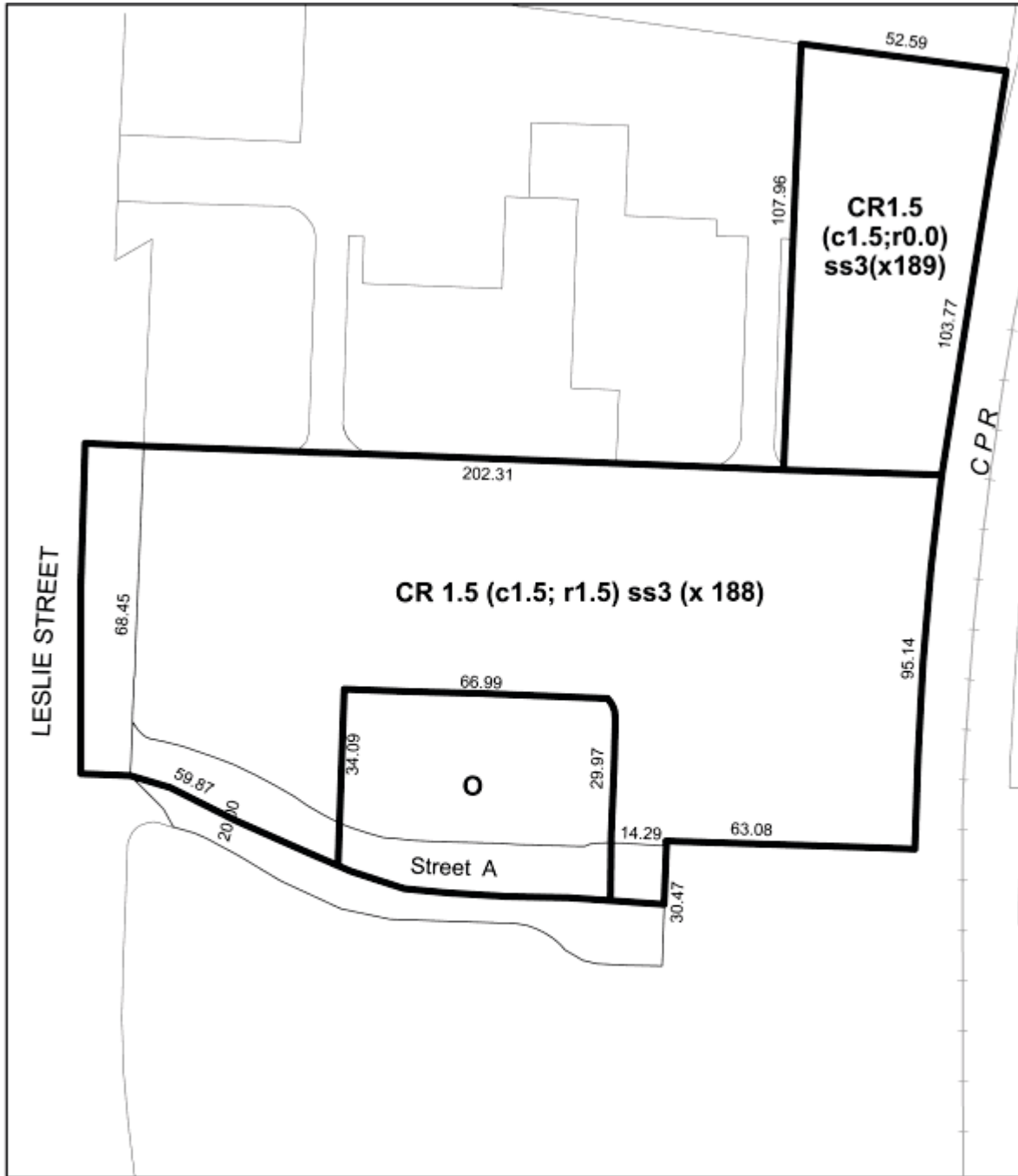


 **TORONTO**
Diagram 2

1087, 1091 & 1095 Leslie Street

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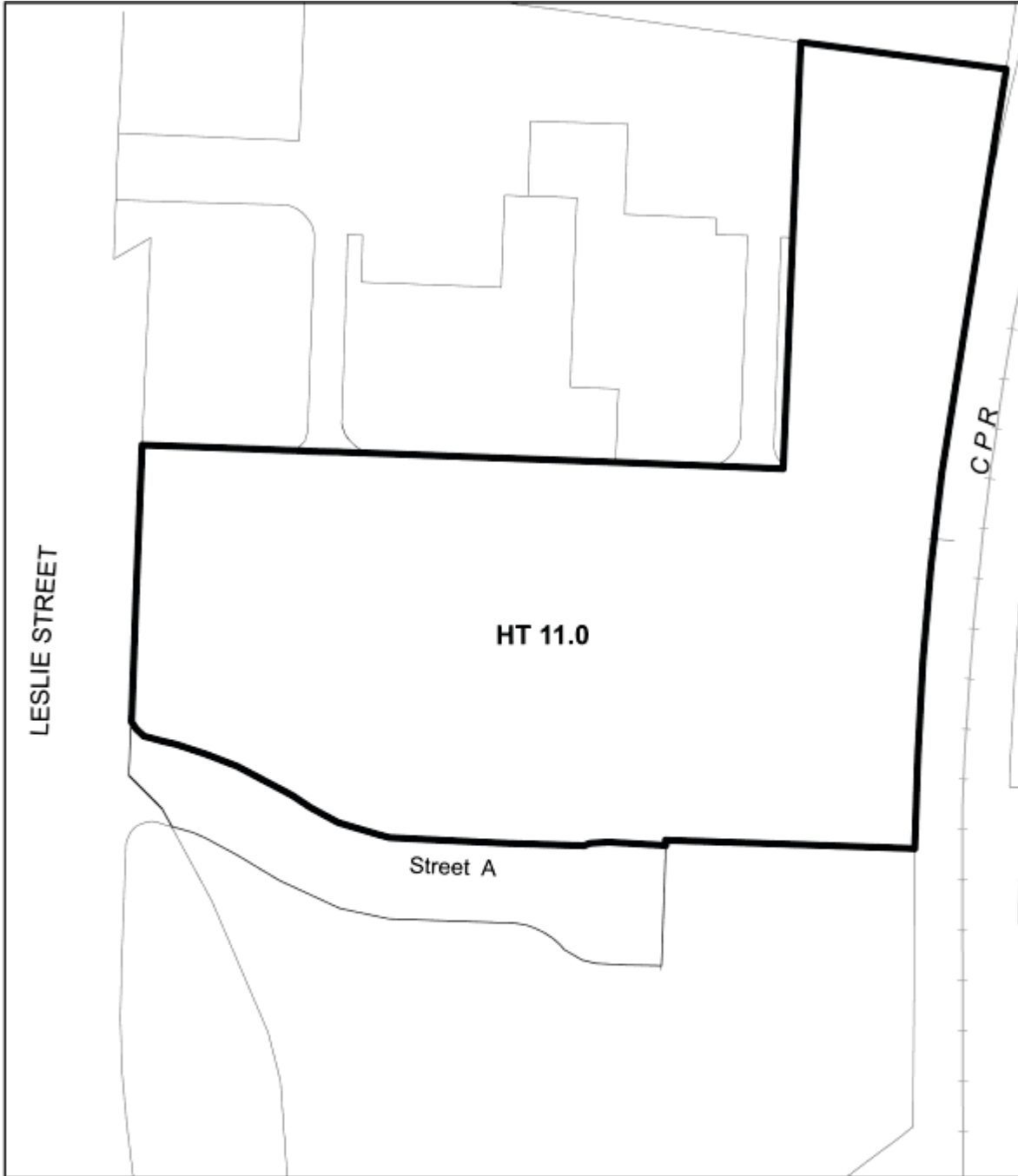
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City of Toronto By-law 569-2013
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 **TORONTO**
Diagram 3

1087, 1091 & 1095 Leslie Street

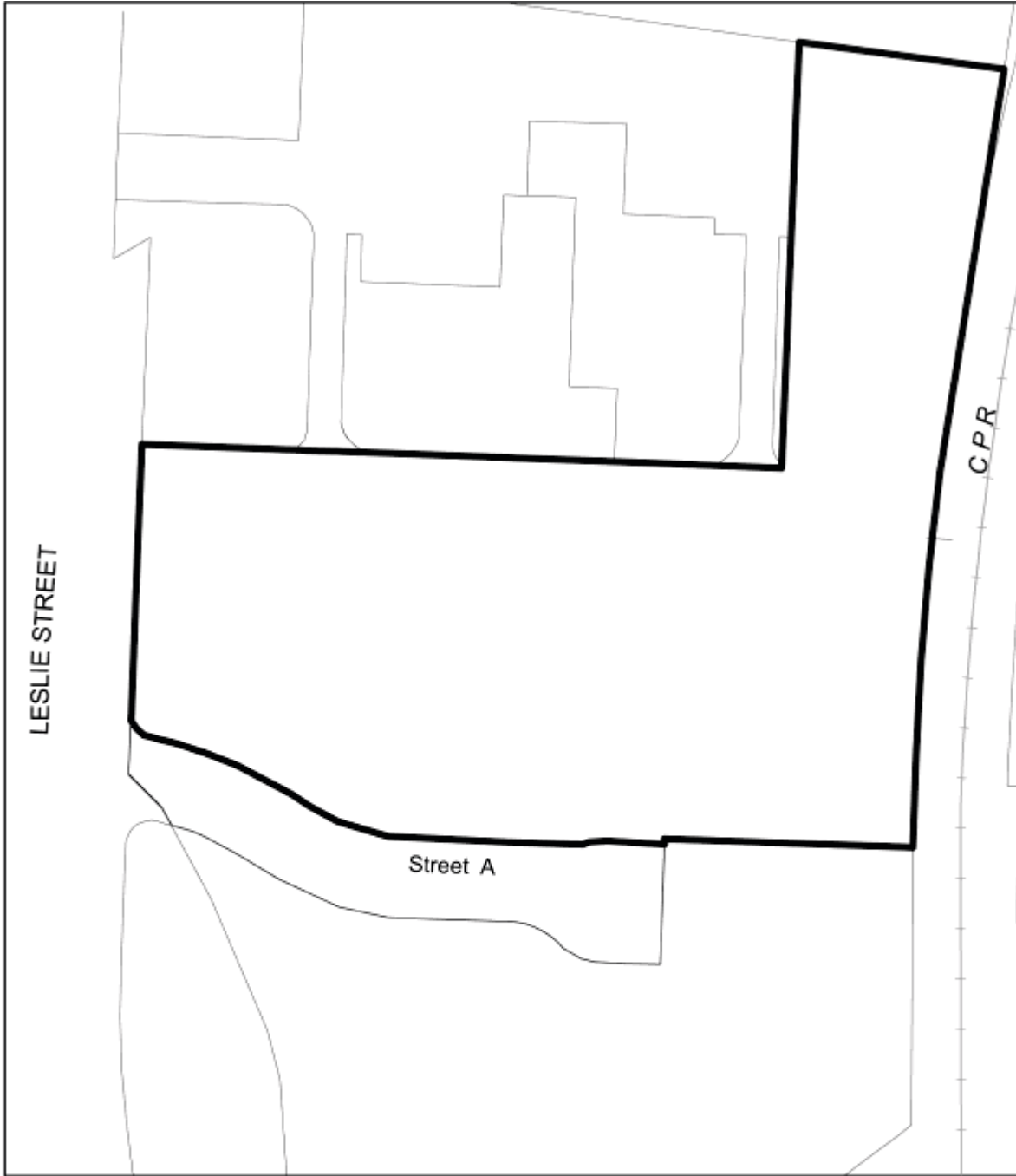
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 **TORONTO**
Diagram 4

1087, 1091 & 1095 Leslie Street

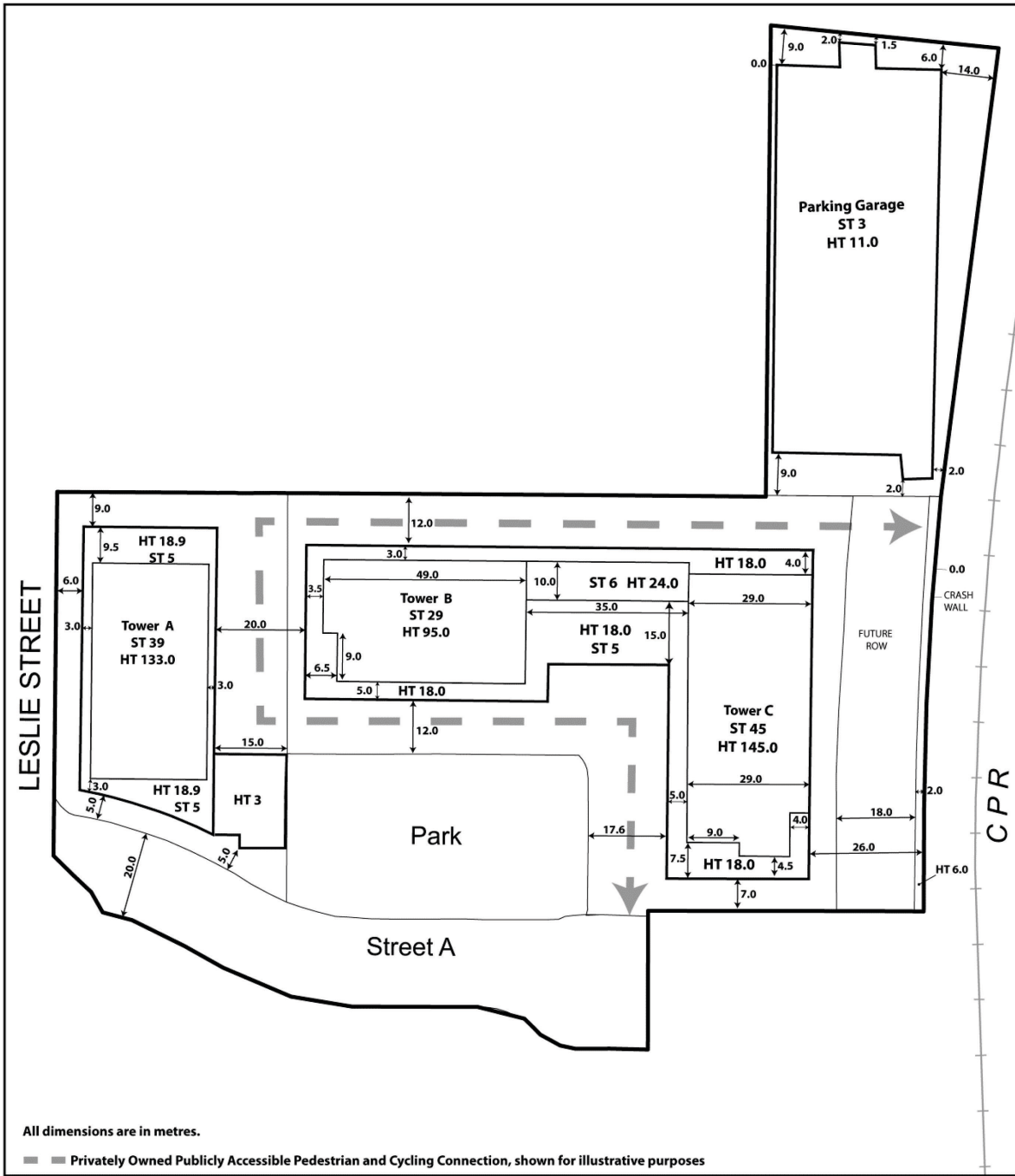
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 **TORONTO**
Diagram 5

1087, 1091 & 1095 Leslie Street

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1087, 1091 & 1095 Leslie Street

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