

Authority: Local Planning Appeal Tribunal Decision issued on May 14, 2019 and Ontario Land Tribunal Order issued on November 29, 2021 in File PL161311

## **CITY OF TORONTO**

### **BY-LAW 326-2022(OLT)**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 25 St. Dennis Drive.**

Whereas the Owner of the lands known municipally in the year 2016 appealed a proposed zoning by-law amendment to the Local Planning Appeal Tribunal pursuant to Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended; and

Whereas the Local Planning Appeal Tribunal, by its Decisions issued on May 14, 2019 and Ontario Land Tribunal Order issued on November 29, 2021, determined to amend Zoning By-law 569-2013, as amended, with respect to lands known municipally as 25 St. Dennis Drive; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in the 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 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 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 density permitted beyond that otherwise permitted on the aforesaid lands by 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 of the land and the City of Toronto;

The Ontario Land Tribunal Orders:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to 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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to RAC (x181) of this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.8.10 Exception Number 181 so that it reads:

**Exception RAC 181**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On lands municipally known as 25 St. Dennis Drive, if the requirements of By-law 326-2022(OLT), Section 6 and Schedule A together with Sections (B) to (O) of By-law 326-2022(OLT) are complied with, a **residential building** may be constructed and used;
- (B) In addition to the areas listed in Regulation 15.5.40.40(1), the **gross floor area** of a **building** is also reduced by parking, loading and bicycle parking at and above the first **storey**;
- (C) The permitted maximum **gross floor area** for all uses on the **lot** is 74,824 square metres, of which:
  - i a maximum **gross floor area** of 28,572 square metres is permitted on **Parcel 1**, as shown on Diagram 3 of By-law 326-2022(OLT);
  - ii a maximum **gross floor area** of 12,262 square metres is permitted on **Parcel 2**, as shown on Diagram 3 of By-law 326-2022(OLT); and
  - iii a maximum **gross floor area** of 33,990 square metres is permitted on **Parcel 3**, as shown on Diagram 3 of By-law 326-2022(OLT);
- (D) Despite Regulation 15.20.40.70, the minimum required **building setbacks** in meters are as shown on Diagram 3 of By-law 326-2022(OLT);
- (E) Despite Regulation (D) above and Regulation 15.20.40.60, the following elements may encroach into a required **building setback**:
  - i architectural features, awnings, balconies, balustrades, canopies, cornices, doors, eaves, guardrails, light fixtures, ornamental elements, parapets,

trellises, railings, stairs, stair enclosures, underground garage ramps, ventilation shafts, walls of an underground garage, wheelchair ramps, window sills and associated **structures**, to a maximum of 2.1 metres;

- (F) For the purpose of this By-law 326-2022(OLT), **established grade** is the Canadian Geodetic Elevation of 127.15 metres on **Parcel 1**, 127.7 metres on **Parcel 2** and 127.25 metres on **Parcel 3**;
- (G) Despite Regulation 15.20.40.10, the permitted maximum height of a each **building** or **structure** is the numerical value, in metres, following the letters "HT" and the permitted maximum number of **storeys** is the number following the letters "ST" as shown on Diagram 3 of By-law 326-2022(OLT);
- (H) Despite Regulation (G) above and 15.5.40.10(2) to (6) inclusive, the following elements may project beyond the permitted maximum height:
- i. Roof access, enclosed stair wells, elevators overruns, elevator shafts, elevator machine room, maintenance equipment storage, mechanical and ventilation equipment and water supply facilities, which may project beyond the roof up to 5.0 metres; and
  - ii. parapets, electrical, utility, vents, chimneys, flues, **green roof** elements, vent stacks, roof assemblies and any ornamental roof **structures**, which may project up to a maximum height of 2.1 metres beyond the height of the roof or the elements listed in Section H(i) above;
- (I) Despite Regulation 15.5.50.10(1), a minimum of 6,800 square metres of **landscaping** must be provided as follows:
- i. a minimum of 3,400 square metres on **Parcel 1**;
  - ii. a minimum of 1,900 square metres on **Parcel 2**; and
  - iii. a minimum of 1,500 square metres on **Parcel 3**;
- (J) Despite regulation 15.20.40.50(1), **amenity space** must be provided in accordance with the following standards:
- i. a minimum of 1.31 square metres per **dwelling unit** of indoor **amenity space** per **dwelling unit** for the use of residents on **Parcel 2** and **Parcel 3**;
  - ii. as part of the requirement in (J)i. above, a minimum of 100 square metres of **common indoor amenity space** must be provided on the ground floor of the **building** having a maximum height of 37 **storeys** and 108.5 metres on **Parcel 3**, a minimum of 96 square metres of **common indoor amenity**

- space** must be provided on the ground floor of the **building** having a maximum height of 12 **storeys** and 36.5 metres on **Parcel 2** and a minimum of 490 square metres of **common indoor amenity space** must be provided on the ground floor of the **building** on **Parcel 1**;
- iii. a minimum of 1.30 square metres per **dwelling unit** of outdoor **amenity space** for the use of residents on **Parcels 2** and **3**;
  - iv. as a component of (J)iii. above, a minimum of 550 square metres of **common outdoor amenity space** must be provided; and
  - v. **amenity space** may be provided on **Parcels 1, Parcel 2** and **Parcel 3**;
- (K) **parking spaces, drive aisles** and **driveways** located below ground within the area identified on Diagram 4 of By-law 326-2022(OLT), existing on the date of approval of By-law 326-2022(OLT) are deemed to comply with the requirements of By-law 569-2013;
- (L) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided on the **lot** in accordance with the following standards:
- i. a minimum of 335 **parking spaces** for residents;
  - ii. a minimum of 60 **parking spaces** for residential visitors;
  - iii. a maximum of 69 **parking spaces** may be located on the surface of the **lot**;
  - iv. the minimum parking requirements noted in (L)i., ii. and iii. above may be provided on **Parcels 1, 2** and **3**;
  - v. a minimum of 4 dedicated **car share parking spaces** at grade; and
  - vi. a minimum of 25 **electric vehicle parking spaces**;
- (M) Despite Regulation 230.5.10.1(1), **bicycle parking spaces** must be provided on the **lot** for **dwelling units** constructed after the issuance of the Order of the Local Planning Appeal Tribunal approving By-law 326-2022(OLT), in accordance with the following standards:
- i. a minimum total of 500 "long-term" **bicycle parking spaces** on **Parcel 2** and **Parcel 3**;
  - ii. a minimum of 91 "short-term" **bicycle parking spaces**, of which a minimum of 30 "short-term" **bicycle parking spaces** must be provided on **Parcel 1**;

- iii. a minimum of 2 bicycle repair stations must be provided, including one within a secure bicycle parking area; and
  - iv. the minimum **bicycle parking space** requirements noted in (M)i., ii. and iii. above may be provided on **Parcels 1, 2** and/or **3**, unless stated otherwise.
- (N) Despite Regulation 220.5.10.1(2), **loading spaces** must be provided in accordance with the following standards:
- i. a minimum of one Type "G" **loading space** must be provided on **Parcel 2**; and
  - ii. a minimum of one Type "G" **loading space** must be provided on **Parcel 3**; and
- (O) For the purpose of this exception, the following definitions apply:

"**car-share parking space**" shall mean a **parking space** reserved for the practice whereby a number of people share the use of one or more **vehicles** that are owned by a profit or non-profit car-sharing organization and such car-share motor **vehicles** are made available to at least the occupants of the **building** for short term rental, including hourly rental. A car-share **parking space** is a **parking space** exclusively reserved for a car used only for car-share purposes.

"**common indoor amenity space**" shall mean areas set aside on the ground floor of the **building** having a maximum height of 37 **storeys** and 108.5 metres (**Parcel 3**) and the **building** having a maximum height of 12 **storeys** and 36.5 metres (**Parcel 2**) and the **building** having a maximum height of 17 **storeys** (**Parcel 1**), as shown on Diagram 3, for social and/or recreational purposes such as exercise rooms, meeting or party rooms and other similar uses, which are accessible to all residents and tenants residing in **buildings** located on **Parcel 1, Parcel 2** and **Parcel 3**. Common indoor amenity space forms part of **amenity space**.

"**common outdoor amenity space**" shall mean outdoor areas at grade set aside for social and/or recreational purposes such as playgrounds, seating areas, publicly accessible privately owned and maintained areas which are accessible to all residents and tenants of the **buildings** on **Parcel 1, Parcel 2** and **Parcel 3**. Common outdoor amenity space forms part of **amenity space**.

"**electric vehicle parking space**" shall mean a **parking space** that is enhanced for future electric vehicle charging consisting of empty raceways or conduits starting in a junction box in the electrical room and terminating in a junction box central to each parking garage floor. For clarity, conduits may be empty to accommodate future wiring of an electric vehicle charging space. Electric vehicle

charging equipment may encroach within the required dimensions of a **parking space**, up to a maximum of 0.3 metres.

"**Parcel 1**" shall mean the area identified as Parcel 1 on Diagram 3 of By-law 326-2022(OLT).

"**Parcel 2**" shall mean the area identified as Parcel 2 on Diagram 3 of By-law 326-2022(OLT).

"**Parcel 3**" shall mean the area identified as Parcel 3 on Diagram 3 of By-law 326-2022(OLT).

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

5. Despite any existing or future severance, partition or division of the **lot**, the provisions of this By-law shall apply to the whole of the **lot** as if no severance, partition or division occurred.
6. 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 in 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 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.
  - (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.
  - (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 unless all provisions of Schedule A are satisfied.

Local Planning Appeal Tribunal Decision issued on May 14, 2019 and Ontario Land Tribunal Order issued on November 29, 2021 in File PL161311.

**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 shown on Diagram 1 of this By-law, subject to and as secured in a registered agreement or agreements under Section 37(3) of the Planning Act, whereby the Owner agrees as follows:

**Community Benefits**

1. Prior to the issuance of the first above-grade **building** permit the Owner shall pay to the City the sum of \$2,400,000.00 to be allocated towards parkland improvements within Flemingdon Park or Thorncliffe Park community and/or other capital purposes in the vicinity of the Lands, including capital improvements to the Dennis R. Timbrell Resource and Community Centre, at the discretion of the Chief Planner and General Manager, Parks, Forestry and Recreation in consultation with the Ward Councillor, with exception of Public Art;
  - a. the financial contribution shall be indexed upwardly in accordance with the Statistics Canada Residential Building or Non-Residential Building Construction Price Index, as the case may be, for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Publication 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date the payment is made; and
  - b. in the event the cash contribution has not been used for the intended purpose within three (3) years of the implementing Zoning By-law Amendment coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the local Councillor, provided that the purposes are identified in Toronto's Official Plan and will benefit the local community.

**Matters Required to Support the Development**

*Rental Housing*

2. The Owner shall provide and maintain 297 existing dwelling units at 25 St. Dennis Drive on the site as rental housing for the period of at least twenty (20) years, from the date of the Zoning By-Law being in-force and effect, with all the new and retained associated facilities and amenities of the buildings to be secured for the rental housing units, at no extra cost to the existing tenants, and with no applications for demolition or conversion from residential rental use, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
3. Prior to the issuance of Site Plan Approval, the Owner shall provide a Construction Mitigation Plan and Tenant Communication Strategy to the satisfaction of the Chief

Planner and Executive Director, City Planning, the Chief Building Official and Executive Director, Toronto Building, and the General Manager, Transportation Services, prior to the first **building** permit, including a permit for excavation or shoring and any conditional permit, and thereafter the Owner shall implement such Plan and Strategy.

4. The Owner covenants and agrees to provide, repair, operate and/or maintain, at its sole cost and expense, all of the following improvements, to the satisfaction of the Chief Planner:
  - (a) A minimum of 107 square metres of new shared indoor amenity space within the Existing 17 storey **building on Parcel 1**, which shall include but not be limited to; a new 59 square metres open communal work lounge with wireless internet, with a modular partial wall divider that can be closed to divide the lounge into two rooms and the partial wall divider with have sound dampening qualities, new internal window to the hallway, doors with windows, a television with wireless internet, and seating and furnishings to accommodate meetings and socializing, and a new 48 square metres lounge that will include a ramp, wireless internet, furnishings to accommodate seating and socializing, and other aesthetic improvements;
  - (b) A minimum of an of 145 square metres of new indoor amenity space within the Existing 17 storey **building on Parcel 1**, which shall include an indoor children's play area with soft flooring, child-appropriate furnishings, child-appropriate games and craft equipment, a kitchenette with sink, fridge and microwave, wireless internet, accessible washroom with change table and powered door, and including powered doors to the outdoor amenity spaces;
  - (c) A minimum of 251 square metres of improved existing indoor amenity space within the Existing 17 storey **building on Parcel 1**, which shall include but not be limited to improvements to an existing indoor swimming pool, and improved washroom facilities and change facilities adjacent to the swimming pool;
  - (d) A minimum of 560 square metres of new outdoor amenity areas around the Existing 17 storey **building on Parcel 1**, including but not limited to a children's play area, area, two (2) outdoor cooking surfaces (BBQs), a small games field, seating, and picnic tables, and a minimum of 107 square metres of the 560 square metres of outdoor amenity area shall include a lounge area adjacent to the pool with summer and winter seating, plantings, a trellis, and powered doors to the indoor pool area;
  - (e) Improvements to the Existing 17 storey **building (on Parcel 1)** solid waste facilities, including but not limited to the removal and relocation of storage of solid waste and recycling from the Existing 17 storey **building on Parcel 1** to the 12-Storey **building on Parcel 2**;

- (f) A minimum of thirty (30) new bicycle parking spaces for tenants of the Existing 17 storey **building on Parcel 1**;
- (g) Tenants of the Existing 17 storey **building on Parcel 1** will have access to a combined total of at least one-hundred and ninety-six (196) square metres of new shared ground level indoor amenity space within the 37-Storey **building on Parcel 3** and the 12-Storey **building on Parcel 2**, which shall include but not be limited to a party room with a kitchen sink, with at least one stove and oven, furnishings including tables and seating, media equipment, direct access to a barrier-free washroom with a change table, and a gym;
- (h) Tenants of the Existing 17 storey **building on Parcel 1** shall have access and use of a combined total of at least 196 square metres of at-grade indoor amenity space located in the 37-Storey **building on Parcel 3** and the 12-Storey **building on Parcel 2** and access and use of all at-grade outdoor amenity space on the Lands in accordance with this By-law, all of which shall be available for casual and everyday use to tenants of the Existing 17 storey **building on Parcel 1** and shall be at no additional charge, and on the same terms and conditions as such amenities are made available to residents of the the 37-Storey **building on Parcel 3** and the 12-Storey **building on Parcel 2**. The exception to the foregoing requirement is that tenants of the Retained Rental Units may be charged reasonable, ordinary and customary charges for the private booking of a party room, guest suite or other similar specific services or amenities, if any, provided such amounts to not exceed the amounts charged to residents of the the 37-Storey **building on Parcel 3** and the 12-Storey **building on Parcel 2**;
- (i) Within one (1) year of the issuance of the first Above-Grade **Building** Permit for any part of the Development on the Lands and prior to the issuance of the first **Building** Permit for the the 12-Storey **building on Parcel 2**, the Owner shall complete the requirement in Sections 4(a) and 4(c) above of Schedule A, at its own expense and to the satisfaction of the Chief Planner;
- (j) Within one (1) year of the issuance of the first Above-Grade **Building** Permit for the 12-Storey **building on Parcel 2**, the Owner shall complete the requirement in Section 4(b) above of Schedule A, at its own expense and to the satisfaction of the Chief Planner;
- (k) Prior to the issuance of the first above-grade **building** permit for the 12-Storey **building on Parcel 2**, the Owner shall be required to provide Financial Security to the City in the value of 120% of the cost required to secure the design and construction to the City of the new indoor children's play area describe in Section 4(b) above of Schedule A, all to the satisfaction of the satisfaction of the Chief Planner and such Financial Security will be released to the Owner once the matters secured have been designed and constructed to the satisfaction of the Chief Planner in accordance with the approved plans and drawings referenced in the Site Plan Agreement registered on title to the Lands;

- (l) Prior to any Residential Occupancy of the the 37-Storey **building on Parcel 3**, the Owner shall complete the requirements in Sections 4(c), (e) and (f) above of Schedule A (as it pertains to the new shared ground level indoor amenity space within the 37-Storey **building on Parcel 3**); and
- (m) Prior to any Residential Occupancy of the 12-Storey **building on Parcel 2**, the Owner shall complete the requirements in Sections 4(d), (e), and (g) above of Schedule A (as it pertains to the new shared ground level indoor amenity space within the 12-Storey **building on Parcel 2**).

*Publicly Accessible Private Open Space*

- 5. The Owner agrees, at its sole expense, to provide and thereafter maintain a publicly-accessible private open space ("**POPS**") substantially in the location shown on the diagrams attached to this By-law, with the specific location and configuration and design to be determined to the satisfaction of the Chief Planner at the time of and through the Site Plan Approval process for the Development, the minimum size of the POPS are as follows:
  - (a) the Park adjacent POPS shall be a minimum width of 2.1 metres, with a minimum size of 95 square metres ("**Parks Adjacent POPS**") as shown on Diagram 3 of By-law 326-2022(OLT); and
  - (b) Pedestrian Pathway Mid-Block Connection POPS shall be minimum width of 2.1 metres, with a minimum size of 391.75 square metres connecting the northern boundary of the Public Park to St. Dennis Drive along the western edge of the Lands ("**Pathway Mid-Block**") as shown on Diagram 3 of By-law 326-2022(OLT) (collectively the "**POPS Area**").
- 6. Prior to the issuance of the first above-grade **building** Permit for any part of the Lands, the Owner shall convey in perpetuity for nominal consideration and at no cost to the City, one or more easements, including right of support, over the POPS Area, in favour of the City for use by the City and the general public as privately owned, publicly accessible space (the "**POPS Easements**"), to the satisfaction of the City Solicitor in consultation with the Chief Planner and the Parties agree that such POPS Area will not be accessible to the public until the Residential Occupancy of the New 37-Storey **building** on the Lands is authorized by the Chief Building Official.

*Parkland Dedication*

- 7. Prior to the issuance of the first above-grade **building** permit for the Development, the Owner shall:

- (a) convey a minimum 1,115.52 square metres of the Lands for public parkland purposes, to the satisfaction of General Manager, Parks, Forestry and Recreation, pursuant to Section 42 of the Planning Act as shown on Diagram 2 of By-law; and
- (b) make a cash-in-lieu payment of the remaining parkland dedication requirement of 386.25 square metres pursuant to Section 42 of the Planning Act and pursuant to Chapter 415, Article III, assessed under Chapter 415-24 (B)(1)(b) of the Municipal Code as authorized by Chapter 415-27, and, as applicable, Chapter 415-22 B for any non-residential uses that may be permitted on the Lands.

#### Transportation Demand Management

8. Prior to the issuance of the first above-grade **building** permit, the Owner agrees to pay to the City, by certified cheque, fifty thousand (\$50,000.00) dollars, indexed upwardly in accordance with the Construction Price Index for the period from the date of the execution of this Agreement to the date of payment to the City, for a bicycle share station within the Ward, as may be determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, and such funds arising from this Section may not be reallocated for any other purpose.
9. The Owner agrees to provide to each dwelling unit on the Lands a PRESTO card as an incentive for residents to use nearby transit services, whereby each PRESTO card should be pre-loaded with the amount of one hundred (\$100.00) dollars. For the purposes of this Section, PRESTO is transit card used for an electronic payment system to use local transit in the Greater Toronto and Hamilton Area as administered by Metrolinx, or successor corporation, under authority of the Metrolinx Act, 2006, S. O. 2006, c. 16, as may be amended, superseded or replaced from time to time.

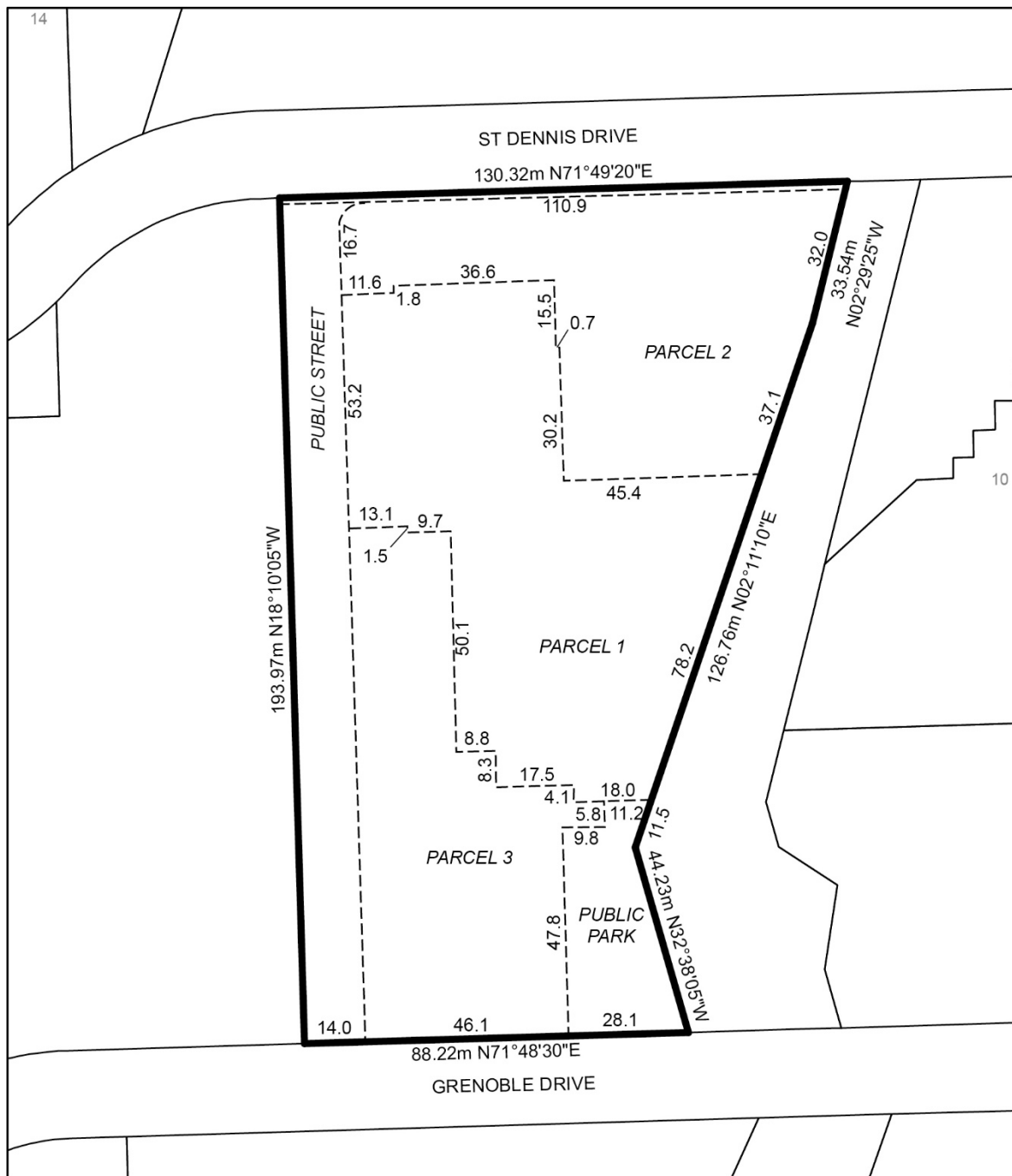
#### Construction Management Plan

10. Prior to the issuance of the first **building** Permit for the Development, or a portion thereof, the Owner shall provide at its expense to the satisfaction of the Chief Engineer, a construction management plan for the development of the lands, including all phases of development.

#### New Public Street

11. Prior to the issuance of the first above-grade **building** Permit for any part of the lands, the Owner shall provide securities and a satisfactory Letter of Credit of 120% of the value required to secure the design and construction to the City of the new public street, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation.
12. Prior to the issuance of the final **building** permit for any **building** on Parcel 3, the Owner shall, at its own cost, design, build and convey, to the City, free of encumbrances, unless

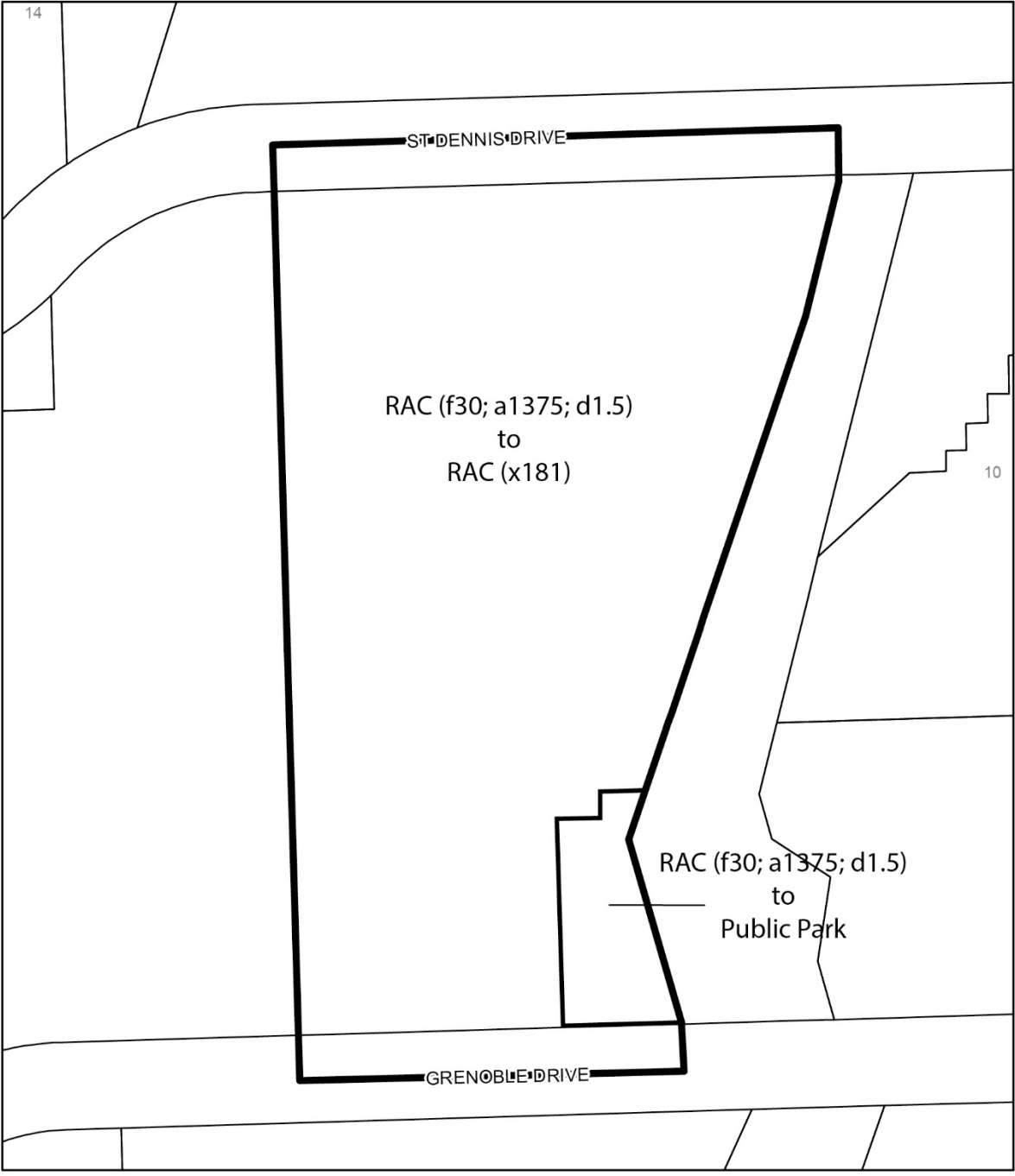
otherwise permitted by, and at the sole and unfettered discretion of the City, a new public street on the western portion of the Lands that is 14.0 metres in width and connects St. Dennis Drive and Grenoble Drive as shown on Diagram 1 to this By-law.



 **TORONTO**  
Diagram 1

**25 St. Dennis Drive**

File # 15 261823 NNY 26 0Z



 **TORONTO**  
Diagram 2

**25 St. Dennis Drive**

File # 15 261823 NNY 26 0Z



