

12-24 Leith Hill Road –Official Plan Amendment and Zoning By-law Amendment Application – Final Report

Date: November 17, 2021

To: North York Community Council

From: Director, Community Planning, North York District

Ward 17 - Don Valley North

Planning Application Number: 18 125292 NNY 33 OZ

SUMMARY

In a report dated February 1, 2021, for consideration at the March 1, 2021 North York Community Council meeting, City Planning recommended refusal of the application to amend the Official Plan and Zoning By-law for the lands at 12 to 24 Leith Hill Road to permit three blocks of townhouse units, containing 48 dwelling units, at the western limit of the site, and an 11-storey residential building, proposed with 121 dwelling units, to the east of the existing 16-storey apartment building. The application was not consistent with relevant policies of the Provincial Policy Statement (2020) and did not conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). Additionally, the proposed amendments were not consistent with the Official Plan, the Secondary Plan and relevant guidelines.

Consideration of this item was deferred until September 13, 2021 North York Community Council, directing staff to continue discussions with the owner towards achieving an amended development application, which amongst other matters, addresses the planning and urban design issues set out in the February 1, 2021 report. In response, the applicant revised the proposed 11-storey building reducing it to a 9-storey building, having an overall building height of 31 metres, east of the existing 16-storey apartment building and 48 townhouse units, contained within 3 blocks at the western limit of the subject site. The opinion of City Planning remained unchanged from the report dated February 1, 2021.

City Council on October 1 and 4, 2021, adopted recommendations directing that the Chief Planner and Executive Director, City Planning bring forward a report to the North York Community Council meeting on November 23, 2021 with the draft Official Plan Amendment and Zoning By-law Amendments to implement the proposed 9-storey building and 48 townhouse unit development, and notice for the statutory public meeting under the Planning Act be given according to the regulations of the Planning Act. At the request of the local ward Councillor, this report is being brought forward to the January 4th, 2022 North York Community Council meeting. In addition, City Council direct the Chief Planner and Executive Director, City Planning to work with the applicant, in consultation with the local councillor, to negotiate the provision of facilities, services and

matters pursuant to Section 37 of the Planning Act in the amount of \$1.5 million to be allocated to improvements to Fairview Public Library and Oriole Community Centre.

This report brings forward the draft Official Plan Amendment and Zoning By-law Amendments for a 9-storey building and 48 townhouse units at 12-24 Leith Hill Road as per City Council direction.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 12-24 Leith Hill Road substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 1 to this report.
2. City Council amend Zoning By-law 7625, as amended, for the lands at 12-24 Leith Hill Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2 to this report.
3. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 12-24 Leith Hill Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 3 to this report.
4. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendments as may be required.
5. Before introducing the necessary Bills to City Council for enactment, require the Owner:
 - a. to submit at their sole expense for review and acceptance:
 - i. a revised Functional Servicing Report including confirmation of water and fire flow, sanitary and storm water capacity, Stormwater Management Report and Hydrogeological Review, including the Foundation Drainage Report (the "Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
 - ii. secured the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or new municipal infrastructure identified in the accepted Engineering Reports to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services should it be determined that improvements or upgrades and/or new infrastructure are required to support the development;
 - iii. has made satisfactory arrangements with the Chief Engineer and Executive Director, Engineering and Construction Services for the

construction of new infrastructure or any improvements to the municipal infrastructure, should it be determined that new infrastructure and/or upgrades/improvements are required to the existing infrastructure to support this development, and that the applicant has entered into a financially secured agreement to pay for and construct any necessary municipal infrastructure;

iv. submitted a revised Traffic Impact, Parking and Loading Study acceptable to, and to the satisfaction of the General Manager, Transportation Services and that such matters arising from such study, be secured if required; and

v. The owner will pay for and construct any improvements to the municipal infrastructure in connection with the site servicing report, as accepted by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that upgrades to such infrastructure are required to support this development.

b. to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:

i. Prior to issuance of a the above-grade building permit, the owner of the Lands shall provide a cash contribution to the City in the amount of \$1,500,000 towards improvements to Fairview Public Library and/or Oriole Community Centre;

ii. The cash contribution referred to in Section 5.b.i. above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment;

iii. In the event the cash contribution referred to in Section 5.b.i. above has not been used for the determined purpose within three years of the amending Zoning By-law 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 Ward Councillor, provided the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.

c. the following matters will be secured as legal convenience in the Section 37 Agreement:

i. The owner shall provide the following rental housing matters and improvements to the existing rental housing buildings on the lands:

a. The owner shall continue to provide and maintain the 221 existing rental dwelling units on the lands at 12-24 Leith Hill Road as rental housing, together with the new and retained associated facilities and amenities of the existing residential rental property, for a period of at least 20 years commencing from the date that the Zoning By-laws come into force and effect, and with no applications for demolition or conversion from residential rental use during such 20 year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

b. The owner shall provide tenants of the existing rental dwelling units with access to all indoor and outdoor amenities on the lands, at no extra charge and with no pass-through costs to the tenants, including by way of an application to the Ontario Landlord Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario for the purpose of obtaining an increase in residential rent above the applicable guideline. Access to, and use of, these amenities shall be on the same terms and conditions as any other resident on the subject site.

c. The owner shall provide, repair, operate and/or maintain, at the owner's sole expense, additional improvements to the existing rental apartment building informed by the results of a tenant survey, to be identified and designed to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner shall undertake the improvements to the existing rental apartment building to the satisfaction of the Chief Planner and Executive Director, City Planning Division or their designate.

d. The costs of all improvements to the existing residential rental building and associated spaces, both within and outside the building, as described above, shall not be passed on to tenants of the existing building in any form, including by way of an application to the Ontario Landlord Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario, for the purpose of obtaining an increase in residential rent above the applicable guideline.

e. Prior to Site Plan Approval for the development the owner agrees to develop a Construction Mitigation and Tenant Communication Plan to mitigate the impacts of construction on existing tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

ii. The owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green

Standards applicable at the time of the site plan application for each building on the site; and

iii. The requirements for a construction management plan with the general matters included in the Section 37 Agreement, including but not limited to, noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, coordination with adjacent on-going development construction, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services, in consultation with the Ward Councillor.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

A Refusal Report from the Acting Director, Community Planning, North York District, dated February 1, 2021, was before North York Community Council on March 1, 2021. A Motion was moved that North York Community Council defer consideration of the item to the May 21, 2021 North York Community Council meeting and directed that the Acting Director, Community Planning, North York District, in consultation with the local Councillor, continue discussions with the owner of 12-24 Leith Hill Road towards achieving an amended development application. The link to the Council decision can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY22.5>

The Item was before North York Community Council on May 21, 2021, and was deferred until the September 13, 2021 meeting of North York Council to allow for additional time for the ongoing discussions with the owner of the lands, City Planning, and the Ward Councillor. The link to the Council decision can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY24.7>

A Supplementary Report from the Acting Director, Community Planning, North York District, dated August 23, 2021 was before North York Community Council on September 13, 2021. That Report provided an update on the status and outcome of the discussions between City Planning and the owner. The Report concluded that the applicant's revisions to the proposal, including reducing the 11-storey building to a 9-storey building, have not adequately addressed staff concerns. Staff continued to not support the development proposal for the reasons as set out in the Supplementary Report and for the reasons as set out in the report, from the Acting Director, Community Planning, North York District, dated February 1, 2021.

City Council directed the Chief Planner and Executive Director, City Planning to bring forward a report to the North York Community Council meeting on November 23, 2021 with the draft Official Plan Amendment and Zoning By-law Amendments to implement the proposed 9-storey building and 48 townhouse units development, and notice for the statutory public meeting under the Planning Act be given according to the regulations of the Planning Act. At the request of the local ward Councillor, this report is being brought forward to the January 4th, 2022 North York Community Council meeting. In addition, City Council direct the Chief Planner and Executive Director, City Planning to work with the applicant, in consultation with the local councillor, to negotiate the provision of facilities, services and matters pursuant to Section 37 of the Planning Act in the amount of \$1.5 million to be allocated to improvements to Fairview Public Library and Oriole Community Centre. The link to the Council decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY26.1>

COMMENTS

This report brings forward the draft Official Plan Amendment and Zoning By-law Amendments to implement the proposed 9-storey building and 48 townhouse units development for 12-24 Leith Hill Road as per City Council direction at its meeting of October 1, 2021. The Draft Amendments are contained as Attachments 1 through 3 to this report. The applicant has also agreed to provide a Section 37 contribution in the amount of \$1,500,000 to be used towards improvements to the Fairview Public Library and/or Oriole Community Centre.

CONTACT

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SIGNATURE

David Sit, MCIP RPP
Director, Community Planning, North York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Draft Official Plan Amendment

Attachment 2: Draft Zoning By-law Amendment 7625, as amended

Attachment 3: Draft Zoning By-law Amendment 569-2013

Attachment 1: Draft Official Plan Amendment

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on [DATE]

CITY OF TORONTO

Bill ~

BY-LAW XXXX-2021

To adopt Amendment 547 to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2020, as 12 - 24 Leith Hill Road

Whereas authority is given to Council under the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto enacts:

1. The attached Amendment No. 547 to the Official Plan is hereby adopted pursuant to the Planning Act, as amended.

Enacted and passed on [DATE]

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

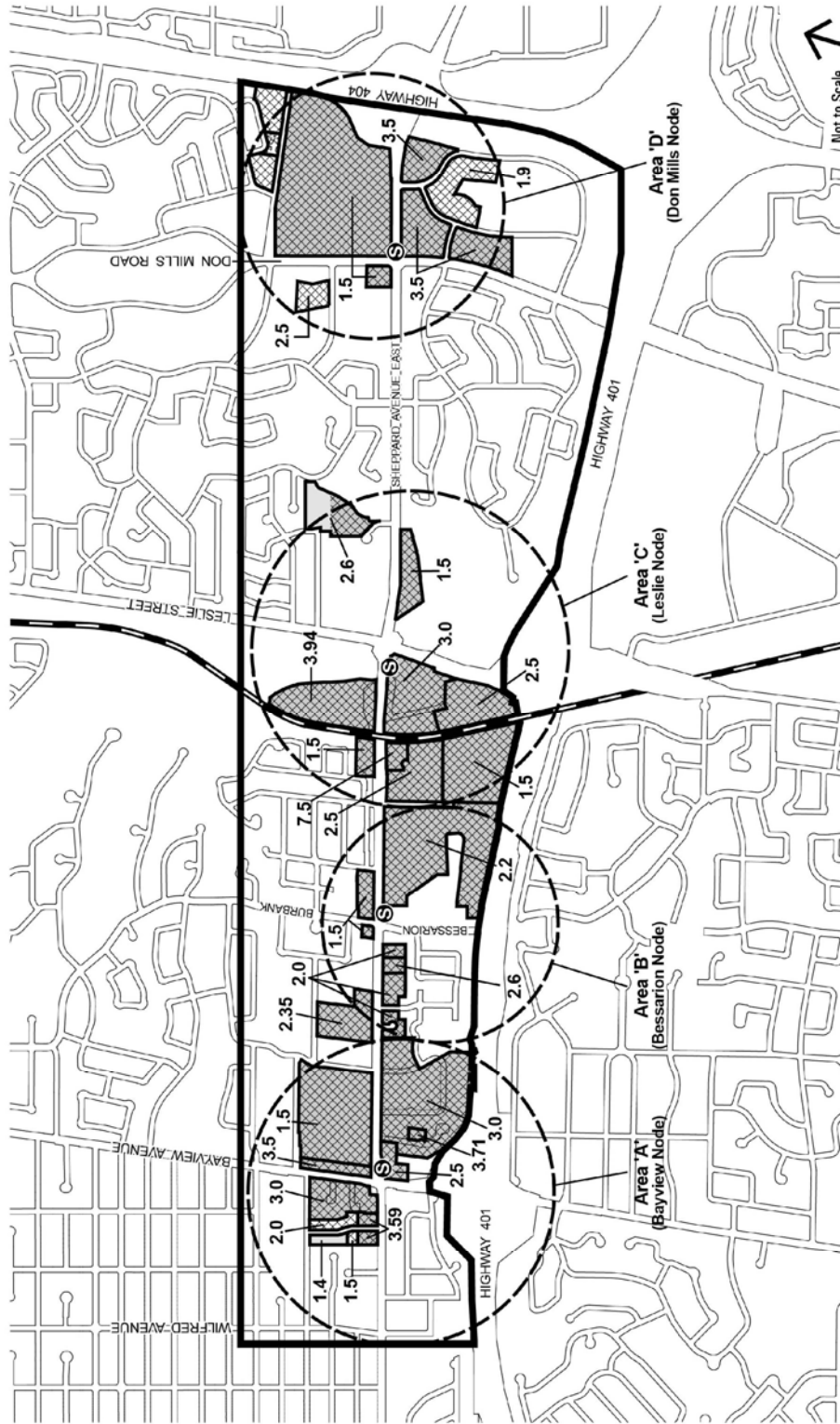
AMENDMENT 547 TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2020 AS 12-24 LEITH HILL ROAD

The following text and map constitute Amendment No. 547 to the City of Toronto Official Plan.

1. The Official Plan of the City of Toronto is amended as follows:
 - a. Chapter 6, Section 9 (Sheppard East Subway Corridor Secondary Plan), is amended to allow a density of 2.50 times the lot area for the lands municipally known as 12-24 Leith Hill Road, by adding Section 4.2.11 - "12-24 Leith Hill Road", after Section D. Don Mills Node, with the following text:





"The Secondary Plan assigns an Apartment Neighbourhood designation, and a density of 2.50 times the lot area, as shown on Map 9-2, in anticipation of redevelopment."
 - b. Map 9-2, Key Development Areas of Chapter 6, Section 9 (Sheppard East Subway Corridor Secondary Plan) is amended by adding the lands municipally known in 2020 as 12 – 24 Leith Hill Road as a Key Development Area and permit a density of up to 2.50 times the lot area, as shown on Schedule "1".



Official Plan Amendment # 547 - Schedule 1

12-24 Leith Hill Road

File # 18 125292 NNY 33 0Z

-  Secondary Plan Boundary
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas
-  Parks & Open Space Areas
-  Parks
-  1.5 Density
-  Subway Station

Map 9-2 Key Development Areas of Chapter 6, Section 9, Sheppard East Subway Corridor Secondary Plan is amended by permitting a maximum density of 2.5 times the lot area for the lands municipally known as 12-24 Leith Hill Road

Attachment 2: Draft Zoning By-law Amendment 7625, as amended

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2021

To amend former North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 12-24 Leith Hill Road in the year 2021

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and 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 By-law 7625 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 Council of the City of Toronto enacts:

1. Schedules “B” and “C” of By-law 7625 of the former City of North York are amended in accordance with Schedule “1” and “2” of this By-law.
2. Section 64.20-A of By-law 7625 is amended by adding the following subsection:

“64.20-A (272) RM6 (272)”

(a) Notwithstanding any other provisions of By-law 7625 to the contrary, the following provisions shall apply to the site subject to this By-law and shown on Schedule "1":

DEFINITIONS

(b) For the purposes of this exception, the following definitions shall apply:

(i) building A, building B, building C, building D, building E, or building F are the buildings as identified as shown on Schedule "2" attached to this By-law;

(ii) Established Grade shall mean the geodetic elevation of 168.87.

PERMITTED USES

(c) In addition to the permitted uses in section 20-A.1(a), a rental office or management office shall be permitted.

EXCEPTION REGULATIONS

MINIMUM LOT AREA

(d) The minimum lot area for the whole of the lot shall be 14,140 square metres.

MAXIMUM GROSS FLOOR AREA

(e) The maximum gross floor area for building A and building B shall not exceed 22,200 square metres.

(f) The maximum gross floor area for building C, building D, building E and building F shall not exceed 13,000 square metres.

MAXIMUM DWELLING UNITS

(g) A maximum of 335 apartment dwelling units and 54 multiple attached dwellings are permitted.

YARD SETBACKS

(h) The minimum yard setbacks for all buildings shall be as shown on Schedule "2".

(i) No part of any building or structure erected or used above finished ground level shall be located otherwise than wholly within the area delineated by the heavy lines of Schedule "2".

(j) Notwithstanding Section 6(9) of the By-law and except where a heavy line on Schedule "2" is contiguous with a boundary of the site, nothing in Section 6(9) shall prevent the following building elements or structures from projecting beyond the heavy lines on Schedule "2":

- (i) Architectural features, chimneys, cornices, eaves, lighting fixtures, ornamental elements, parapets, pipes, planters, stacks, trellises, vents, wind protection, and window sills to a maximum of 1.2 metres; and
- (ii) Awnings, balconies, canopies, landscape and public art features, platforms, stairs, stair enclosures, terraces, underground garage ramps and their associated structures, wheel chair ramps, and window washing equipment to a maximum of 3.5 metres.

BUILDING HEIGHT

(k) The building height, of all buildings, on the site shall not exceed the maximum height in storeys and metres, as shown on Schedule “2”, with the exception of the following:

- (i) Rooftop terraces, architectural features, insulation, roof membrane, ballast, guardrails and railings, landscape and public art features, lighting fixtures, ornamental elements, parapets, pipes, planters, screens, stairs, stair enclosures, trellises, vents, wind protection, stairs and stair enclosures, and window washing equipment to a maximum of 3.5 metres;
- (ii) Chimneys, elevator enclosures and overruns, mechanical penthouses and stacks to a maximum of 6.0 metres.

DISTANCE BETWEEN BUILDINGS

(l) The minimum distance between buildings or portions thereof shall be as shown on “Schedule 2”.

PARKING

(m) Parking spaces shall be provided within the site in accordance with the following requirements:

- (i) 0.55 parking spaces per unit for all dwelling units.
- (ii) 0.10 parking spaces per unit for visitors.

BICYCLE PARKING SPACES

(n) Bicycle parking spaces for the new buildings shall be provided within the site in accordance with the following requirements:

- (i) For residents: a minimum of 0.75 bicycle parking spaces per dwelling unit.
- (ii) For visitors: a minimum of 0.07 bicycle parking spaces per dwelling unit.

LANDSCAPED OPEN SPACE

(o) Provide a minimum of 8,000 square metres of outdoor landscaped open space of which 20% shall be soft landscaping.

3. 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/or 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 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 upon 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 applicable provisions of Schedule A are satisfied; and

(D) Once the agreement or agreements securing the facilities, services and matters set out in Schedule A have been executed and registered, the provisions of Schedule A shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.

4. The provisions of Section 6A(2)(a), 6A(16)(d)(iv), 6(8), 6(9), 15.8, and Section 20-A.2.1, 20-A.2.4, 20-A.2.4.1 and 20-A.2.5 shall not apply.

5. Notwithstanding any existing or future severance, partition, or division of the site, the provisions of this By-law shall continue to apply to the whole of the site as if no severance, partition, or division occurred.

6. Section 64.20-A of By-law No. 7625 is amended by adding Schedule "2" attached to this By-law.

Enacted and passed on [DATE] , 2021

Frances Nunziata, John D. Elvidge,
Speaker City Clerk

Seal of the City

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 Schedule "1" in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

Community Benefits

1. Prior to issuance of a the above-grade building permit, the owner of the Lands shall provide a cash contribution to the City in the amount of \$1,500,000 towards improvements to Fairview Public Library and/or Oriole Community Centre.
2. The cash contribution referred to in Section 1 above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment.
3. In the event the cash contribution referred to in Section 1 above has not been used for the determined purpose within three years of the amending Zoning By-law 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 Ward Councillor, provided the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.
Other Matters.

4. The owner shall provide the following rental housing matters and improvements to the existing rental housing buildings on the lands:
 - a. The owner shall continue to provide and maintain the 221 existing rental dwelling units on the lands at 12-24 Leith Hill Road as rental housing, together with the new and retained associated facilities and amenities of the existing residential rental property, for a period of at least 20 years commencing from the date that the Zoning By-laws come into force and effect, and with no applications for demolition or conversion from residential rental use during such 20 year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
 - b. The owner shall provide tenants of the existing rental dwelling units with access to all indoor and outdoor amenities on the lands, at no extra charge and with no pass-through costs to the tenants, including by way of an application to the Ontario Landlord Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation

governing residential tenancies in Ontario for the purpose of obtaining an increase in residential rent above the applicable guideline. Access to, and use of, these amenities shall be on the same terms and conditions as any other resident on the subject site.

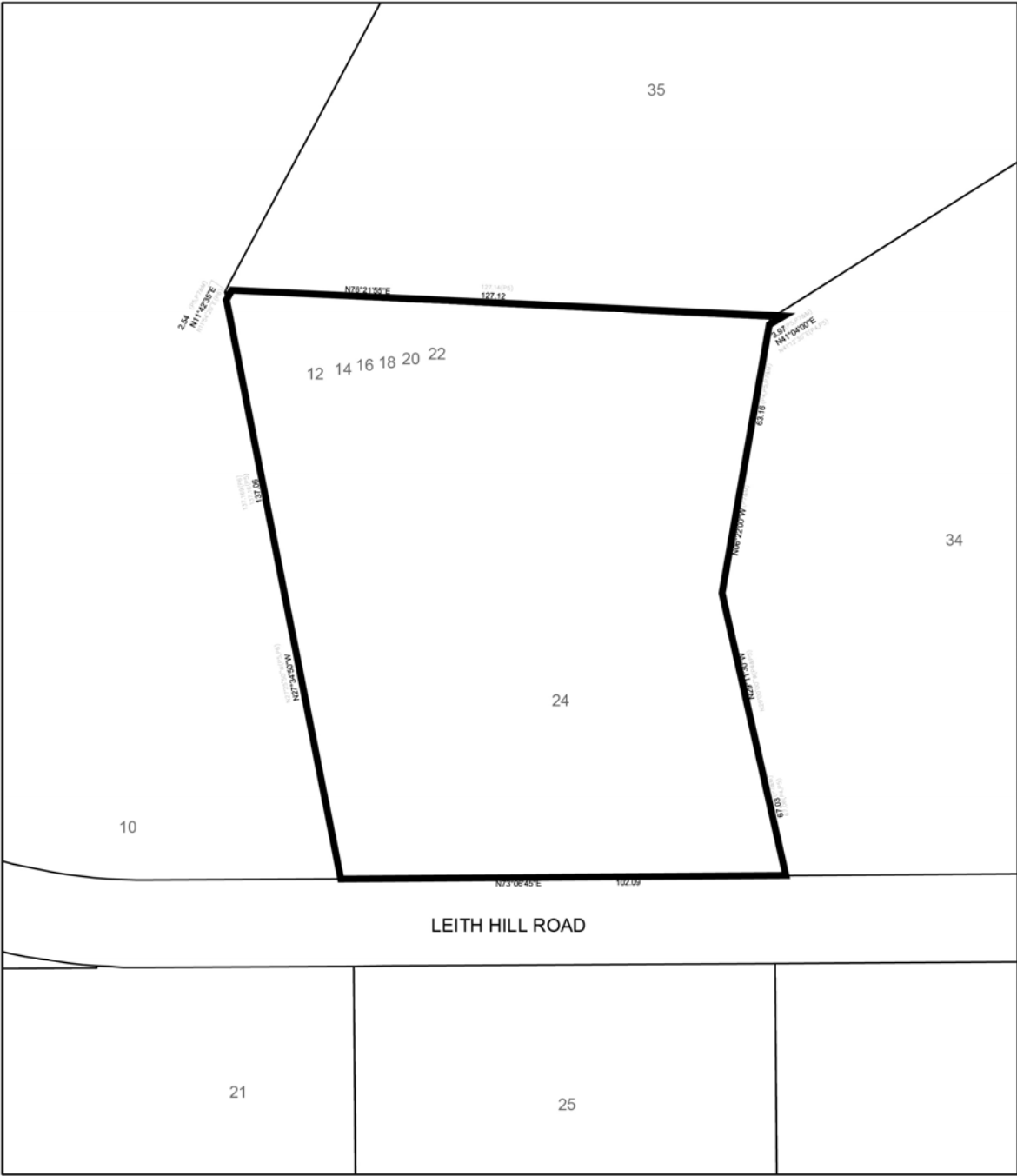
c. The owner shall provide, repair, operate and/or maintain, at the owner's sole expense, additional improvements to the existing rental apartment building informed by the results of a tenant survey, to be identified and designed to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner shall undertake the improvements to the existing rental apartment building to the satisfaction of the Chief Planner and Executive Director, City Planning Division or their designate.

d. The costs of all improvements to the existing residential rental building and associated spaces, both within and outside the building, as described above, shall not be passed on to tenants of the existing building in any form, including by way of an application to the Ontario Landlord Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario, for the purpose of obtaining an increase in residential rent above the applicable guideline.

e. Prior to Site Plan Approval for the development the owner agrees to develop a Construction Mitigation and Tenant Communication Plan to mitigate the impacts of construction on existing tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

5. The owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.

6. The requirements for a construction management plan with the general matters included in the Section 37 Agreement, including but not limited to, noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, coordination with adjacent on-going development construction, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services, in consultation with the Ward Councillor.

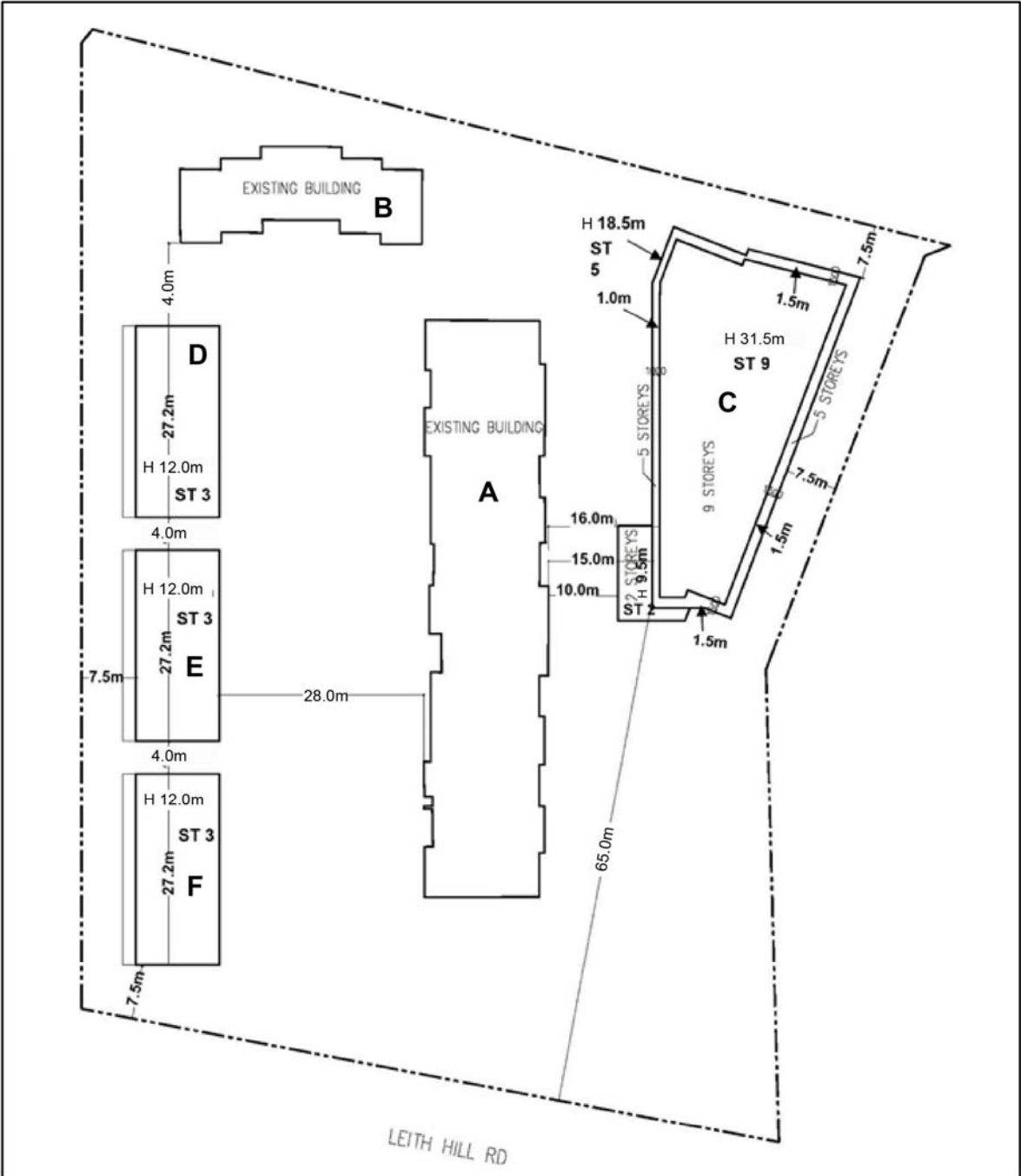


TORONTO
Schedule 1

12-24 Leith Hill Road

File # 18 125292 NNY 33 0Z

↑
Former City of North York By-law 7625
Not to Scale
09/24/2021



Attachment 3: Draft Zoning By-law Amendment 569-2013

CITY OF TORONTO Bill ~ BY-LAW XXXX-2021

To amend the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 12 – 24 Leith Hill Road.

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and 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 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 Council of the City of Toronto enacts:

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 No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 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, respecting the lands outlined by heavy black to: RAC (f30; a1375;d1.5)(x__) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.8.10 Exception Number XXXX so that it reads:

Exception RAC (x)

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 12 -24 Leith Hill Road, if the requirements of Section 6 and Schedule A of By-law [Clerks to supply by-law ##] are complied with, a building or structure may be constructed and used in compliance with (B) to (P) below;

(B) For the purposes of By-law [Clerks to supply by-law ##], reference to building A, building B, building C, building D, building E, building F are the buildings as identified on Diagram 3 attached to By-law [Clerks to supply by-law ##];

(C) Despite any provision of By-law [Clerks to supply by-law ##], building A and building B existing as of the enactment date of that by-law are deemed to comply with its requirements;

(D) Despite Regulation 15.5.40.10(1), for the purpose of calculating the height of a **building** or **structure** in this exception, **established grade** is the Canadian Geodetic Datum elevation of 168.87 metres;

(E) Despite Regulations 15.5.40.10(1), and 15.20.40.10(1), the height of each new **building or structure must not exceed** the maximum height, in metres, following the "HT" symbol on Diagram 3 of By-law [Clerks to supply by-law ##];

(F) Despite Regulation 15.20.40.10(2), the permitted maximum number of storeys for each new building is the numerical value following the "ST" symbol on Diagram 3 of By-law [Clerks to supply by-law ##];

(G) Despite Regulation 15.20.20.10(1), a rental and/or management office is also permitted;

(H) Despite Regulation 15.20.40.40(1), the

(i) maximum gross floor area of building A and building B on Diagram 3 of By-law [Clerks to supply by-law ##] must not exceed 22,100 square metres; and

(ii) maximum gross floor area of building C, building D, building E, and building F on Diagram 3 of By-law [Clerks to supply by-law ##] must not exceed 12,000 square metres;

(I) Despite (E) above and Regulations 15.5.40.10(2), (3) and (4), the following elements, structures, equipment or parts of a building are permitted to project

above the maximum height as shown on Diagram 3 of By-law [Clerks to supply by-law ##] as follows:

(i) Architectural features, window washing equipment, parapets, insulation, roof membrane and ballast, terrace guards, trellises, guardrails, balustrades, railings, wind mitigation screens, planters, monuments, arbours, decorative features, stairs, stair enclosures, stair landings, supportive columns, stacks, fences, screens, and landscape and public art features, all of which may encroach up to 3.5 metres;

(ii) Enclosures housing mechanical elements and ducts, elevators, elevator enclosures and associated structures up to a maximum of 6.0 metres;

(iii) The erection or use of structures on any roof used for maintenance, safety, or wind purposes up to a maximum of 3.0 metres;

(J) Despite Clauses 15.20.40.70 and 15.20.40.80, the required minimum building setbacks and required minimum above-ground separation distance between main walls are as shown in metres on Diagram 3 of By-law [Clerks to supply by-law ##] .

(K) Despite Clause 15.5.40.60 and (J) above, the following elements, structures, equipment or parts of buildings are permitted to encroach into the required minimum **building setbacks** and minimum above-ground separation distance as follows:

(i) Architectural features, awnings, canopies, cornices, balconies, chimneys, fences, green roof, guardrails, finials, landscape and public art features, lighting fixtures, ornamental elements, parapets, pipes, planters, railings, retaining walls, platforms, eaves, window sills, bay windows , wheelchair ramps, bicycle racks, patios, screens, stacks, stairs, stair enclosures, trellises, retaining walls, curbs, window washing equipment, underground garage ramps and their associated structures, underground garage stair enclosures, landscape and public art features up to a maximum of 1.2 metres.

(L) Despite regulation 15.5.50.10(1) and (3), a minimum of 8,000 square metres of landscaping must be provided and maintained on the lot of which a minimum of 20% must be soft landscaping;

(M) A minimum of one Type “G” loading space must be provided for building C;

(N) Despite Regulation 200.5.10.1(1) **parking spaces** must be provided on the lot as follows:

- (i) 0.55 **parking spaces** per **dwelling unit** for residents; and,
- (ii) 0.10 **parking spaces** per **dwelling unit** for visitors;

(O) Despite Regulations 230.5.1.10(9)(B) and 230.20.1.20(1)(C), the required "long-term" bicycle parking spaces may be located in a storage room or in a below-grade parking garage in a building;

(P) Despite Regulation 230.5.1.10(4), the required "long term" bicycle parking spaces must comply with the following:

(i) the minimum dimension of a bicycle parking space is:

- (a) minimum length of 1.8 metres;
- (b) minimum width of 0.6 metres; and
- (c) minimum vertical clearance from the ground of 1.2 metres; and

(ii) the minimum dimension of a bicycle parking space if placed in a vertical position on a wall, structure or mechanical device is:

- (a) minimum length or vertical clearance of 1.2 metres;
- (b) minimum width of 0.4 metres; and
- (c) minimum horizontal clearance from the wall of 1.05 metres;

(iii) in the case of a bicycle rack, is shall be located in a secured room or area;

Prevailing By-laws and Prevailing Sections:

(A) Schedule 'D' Airport Hazard Map from City of North York zoning by-law 7625.

5. Despite any existing or future severances, partition, or division of the lot, the provisions of this exception will apply to the whole of the lot as if no severance, partition, or division had 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/or 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 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 upon 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 applicable provisions of Schedule A are satisfied; and

(D) Once the agreement or agreements securing the facilities, services and matters set out in Schedule A have been executed and registered, the provisions

of Schedule A shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.

Enacted and passed on [DATE] , 2021

Frances Nunziata, John D. Elvidge,
Speaker City Clerk

Seal of the City

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 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

Community Benefits

1. Prior to issuance of a the above-grade building permit, the owner of the Lands shall provide a cash contribution to the City in the amount of \$1,500,000 towards improvements to Fairview Public Library and/or Oriole Community Centre.
2. The cash contribution referred to in Section 1 above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment.
3. In the event the cash contribution referred to in Section 1 above has not been used for the determined purpose within three years of the amending Zoning By-law 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 Ward Councillor, provided the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.

Other Matters

4. The owner shall provide the following rental housing matters and improvements to the existing rental housing buildings on the lands:
 - a. The owner shall continue to provide and maintain the 221 existing rental dwelling units on the lands at 12-24 Leith Hill Road as rental housing, together with the new and retained associated facilities and amenities of the existing residential rental property, for a period of at least 20 years commencing from the date that the Zoning By-laws come into force and effect, and with no applications for demolition or conversion from residential rental use during such 20 year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
 - b. The owner shall provide tenants of the existing rental dwelling units with access to all indoor and outdoor amenities on the lands, at no extra charge and with no pass-through costs to the tenants, including by way of an application to the Ontario Landlord Tenant Board or to any successor

tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario for the purpose of obtaining an increase in residential rent above the applicable guideline. Access to, and use of, these amenities shall be on the same terms and conditions as any other resident on the subject site.

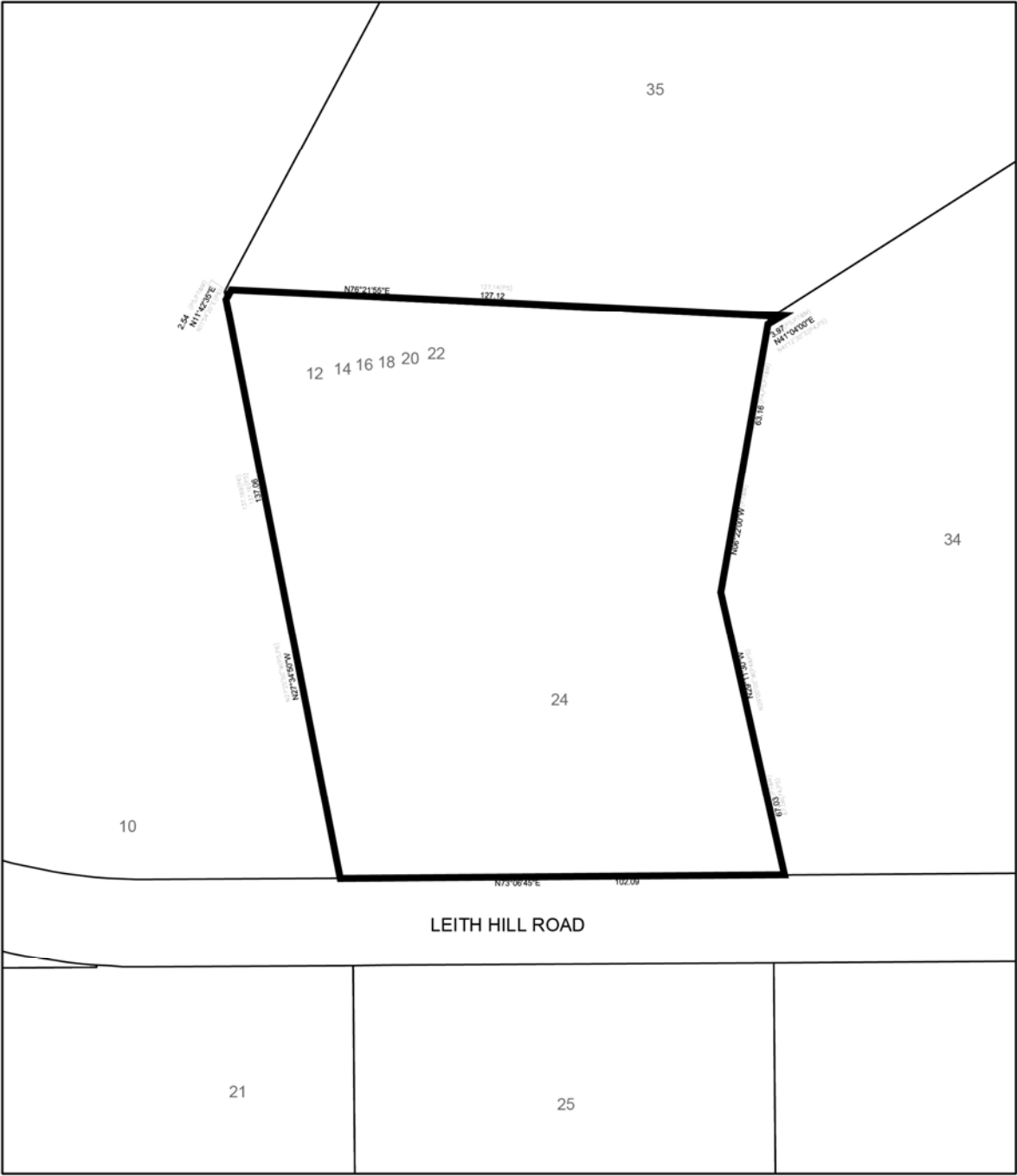
c. The owner shall provide, repair, operate and/or maintain, at the owner's sole expense, additional improvements to the existing rental apartment building informed by the results of a tenant survey, to be identified and designed to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner shall undertake the improvements to the existing rental apartment building to the satisfaction of the Chief Planner and Executive Director, City Planning Division or their designate.

d. The costs of all improvements to the existing residential rental building and associated spaces, both within and outside the building, as described above, shall not be passed on to tenants of the existing building in any form, including by way of an application to the Ontario Landlord Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario, for the purpose of obtaining an increase in residential rent above the applicable guideline.

e. Prior to Site Plan Approval for the development the owner agrees to develop a Construction Mitigation and Tenant Communication Plan to mitigate the impacts of construction on existing tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

5. The owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.

6. The requirements for a construction management plan with the general matters included in the Section 37 Agreement, including but not limited to, noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, coordination with adjacent on-going development construction, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services, in consultation with the Ward Councillor.

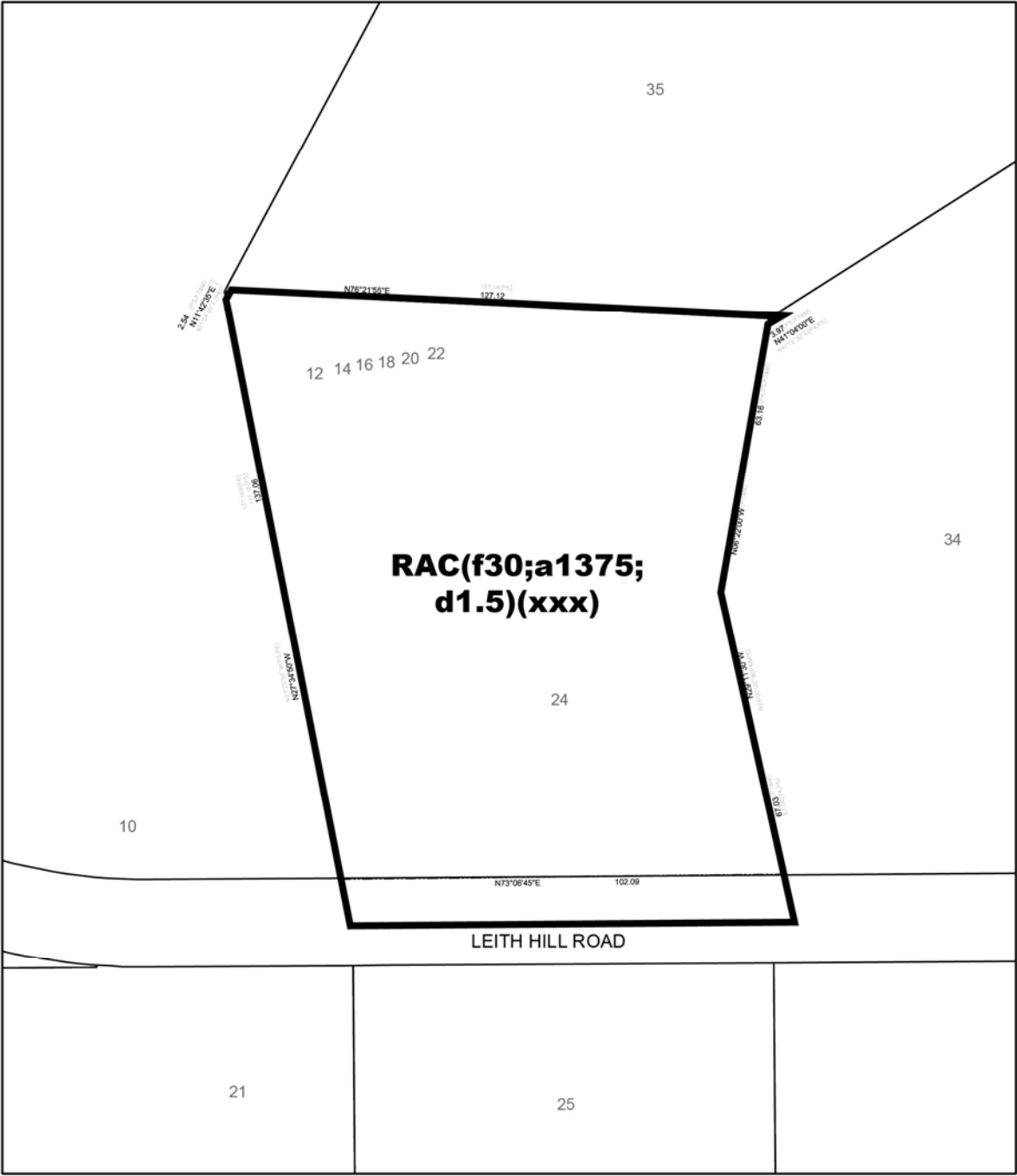


TORONTO
Diagram 1

12-24 Leith Hill Road

File # 18 125292 NNY 33 0Z

City of Toronto By-law 569-2013
 Not to Scale
 09/24/2021



TORONTO
Diagram 2

12-24 Leith Hill Road

File # 18 125292 NNY 33 0Z

City of Toronto By-law 569-2013
 Not to Scale
 09/24/2021

