

Authority: Toronto and East York Community Council Item TE34.12, adopted as amended, by City of Toronto Council on July 19 and 20, 2022

CITY OF TORONTO

Bill 1017

BY-LAW -2022

To amend former City of York Zoning By-law 1-83, as amended, with respect to the lands municipally known in the year 2021 as 91-101 Raglan Avenue.

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 pursuant to Section 39 of the Planning Act, as amended, the Council of a Municipality may, in a By-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the By-law; 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 Section 37.1 of the Planning Act provides that Subsections 37(1) to (4) of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and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 on the aforesaid lands by By-law 1-83, as amended, in return for the provision of such facilities, services or matters as are set out in this 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 in Schedule C of this By-law in return for the increase in height and density permitted on the aforesaid lands by By-law 1-83, as amended; and

Whereas Schedule C of this By-law requires the owner of the aforesaid lands to provide certain facilities, services or matters and enter into an agreement or agreements between the owner of the land and the City of Toronto prior to the issuance of a building permit;

The Council of the City of Toronto enacts:

1. That Section 16 General Exceptions of former City of York By-law 1-83, as amended, be further amended by adding a new subsection (510) as follows:

(510) Lands – 91-101 Raglan Avenue

Notwithstanding the provisions of former City of York Zoning By-law 1-83, the lot, as delineated by heavy lines on Schedule "A" attached to and forming part of this By-law, and municipally known as 91-101 Raglan Avenue in the year 2021, may be used for the purposes of an apartment house and accessory buildings and structures subject to the following provisions:

Maximum Gross Floor Area

- a) The maximum permitted residential gross floor area on the lot shall not exceed 22,000 square metres;
- b) The maximum permitted non-residential gross floor area on the lot shall not exceed 20 square metres;

Permitted Uses

- c) Notwithstanding Section 8 of By-law 1-83, the following uses shall be permitted:
 - i. Apartment houses and associated structures;

Building Height

- d) The height of the building shall not exceed the maximum height in metres measured from established grade shown on Schedule B attached to and forming part of this By-law, excluding: equipment serving the building, mechanical equipment and any associated enclosure structures, mechanical penthouse, stairs, stair enclosures, vents, chimneys, equipment for heating, cooling or ventilating, and lighting rods, which may project above the height limits shown on Schedule "B" by a maximum of 6.0 metres;
- e) The height of the building shall not exceed the maximum height in metres measured from established grade shown on Schedule B attached to and forming part of this By-law, excluding: elevator overruns and any associated enclosure structures, which may project above the height limits shown on Schedule "B" by a maximum of 11 metres.
- f) The height of the building shall not exceed the maximum height in metres measured from established grade shown on Schedule "B", excluding: wind or privacy screens, pergolas, trellises, dividers/screens, landscaping, and fences, which may project above the height limits shown on Schedule "B" by a maximum of 3.0 metres;

- g) The height of the building shall not exceed the maximum height in metres measured from established grade shown on Schedule "B" attached to and forming part of this By-law, excluding eaves, decorative architectural features, light fixtures, parapets, terraces, guard rails, window washing equipment, guardrails, balustrades, safety railings, bollards, wheel chair ramps, cornices, parapets, roof drainage, architectural features, and elements of green roof, which may project above the height limits by a maximum of 3.0 metres as shown on Schedule "B";
- h) The height of the building shall not exceed the maximum height in metres measured from established grade shown on Schedule "B" attached to and forming part of the By-law, excluding mechanical penthouse, indoor amenity space, enclosures housing mechanical elements and ducts, stairs, stair enclosures, vent stacks, parapets, elevators, elevator enclosures and associated structures up to a maximum height of 7.0 metres;
- i) The height of the building shall not exceed the maximum height in metres measured from established grade shown on Schedule "B" attached to and forming part of the By-law, excluding the erection or use of structures on any roof used for maintenance, safety, outside or open air recreation, including outdoor amenity space, and outdoor amenity space – associated access, wind or green roof purposes up to a maximum height of 3.0 metres; and
- j) For the purposes of determining the number of storeys of the building, the following will not be considered a storey:
 - i. The mechanical penthouse may have indoor amenity space.

Yard Setbacks

- k) The minimum yard setbacks shall be shown on Schedule "B" attached to and forming part of this By-law except for balconies located at a height equal to or greater than 26.37 metres, shall be permitted to encroach into the required yard setbacks if located at least 10 metres from the centerline of the public lane to the east of the *lot* as shown on Schedule "B";
- l) Balconies are not permitted in the "Balcony Exclusion Area" as shown on Schedule "B";
- m) The minimum yard setbacks shall be shown on Schedule "B" attached to and forming part of this By-law except for balconies, not included in (k) and (l) above, to a maximum of 1.5 metres;
- n) The minimum yard setbacks shall be shown on Schedule "B" attached to and forming part of this By-law except that cornices, lighting fixtures, window washing equipment, awnings, canopies, finials, parapets, terraces, terrace guards, platforms, ornamental or architectural elements, trellises, eaves, window sills, bay windows, canopies, guardrails, balustrades, railings, wind mitigation screens and

features, piers, arbours, patios, decorative features, stairs, supportive columns, wheel chair ramps, vents, stacks, acoustic screens and features, underground garage ramps and their associated **structures**, underground garage stair enclosures, retaining walls, fences, and landscape and public art features, shall be permitted to encroach into the required yard setbacks by a maximum of 3.0 metres;

Parking

- o) A parking space shall be a minimum of 2.6 metres wide and a minimum of 5.6 metres long, and where a parking space is limited by a wall or other permanent obstruction, the parking space minimum width is increased by 0.3 metres for each side of the space that is obstructed;
- p) Vehicles parking shall be providing and maintained on the lot as follows:
 - i. A minimum rate of 0.14 for each dwelling unit for residents;
 - ii. A minimum rate of 0.05 for each dwelling unit for visitors; and
 - iii. A minimum of 2 Car-Share parking spaces;
- q) A minimum of 2 accessible parking spaces shall be provided;
- r) Accessible parking spaces must be provided and maintained in accordance with the following minimum dimensions:
 - i. Length of 5.6 metres;
 - ii. Width of 3.4 metres; and
 - iii. Vertical clearance of 2.1 metres.
- s) The entire length of an accessible parking space must be adjacent to a 1.5 metre wide accessible barrier free aisle or path as shown on Diagram 1 and 2 of By-law 579-2017;
- t) Accessible parking spaces must be located within 16 metres of a barrier free entrance to the building or passenger elevator that provides access to the first storey of the building;
- u) A maximum of 5 parking spaces may be obstructed on one or both sides without the requirement to increase the minimum width on each obstructed side by 0.3m;
- v) The minimum driveway aisle width shall be 6.0 metres;

Bicycle Parking

- w) Bicycle parking spaces shall be provided and maintained on the lot as follows:
 - i. 232 bicycle parking spaces for resident; and
 - ii. 24 bicycle parking spaces for visitors;

Amenity

- x) Amenity space shall be provided and maintained at a minimum rate of 3.7 square metres for each dwelling unit, of which indoor amenity space shall be provided at a minimum rate of 2.0 square metres per dwelling unit and outdoor amenity space shall be provided at a rate of 1.7 square metres per dwelling unit;

Landscaping

- y) A minimum of 90 square metres of landscaping shall be provided on the lot;

Dwelling Units

- z) The provision of dwelling units is subject to the following:
 - i. A minimum of 20 percent of the total number of **dwelling units** must have two or more bedrooms;
 - ii. A minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms;
 - iii. Any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above; and
 - iv. If the calculation of the number of required **dwelling units** with two or three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number;

Severance

- aa) The provisions of this exception shall apply collectively to the lot notwithstanding the future severance, partition, or division of the lot;

Leasing Presentation Centre

- bb) None of the provisions of By-law 1-83 shall apply to prevent a temporary sales/leasing office for the purposes of marketing, rental, and sale of the dwelling units and non-residential uses on the lands is permitted to a maximum height of 3.0 metres, and 1-storey on the lot as of the date of the passing of this By-law;

Loading

- cc) One Type "G" loading space shall be provided, with a minimum length of 13.0 metres and a minimum width of 4.0 metres;

Definitions

- dd) For the purposes of this By-law the following definitions shall apply:
- i. "Bicycle parking space" means an area used for parking or storing a bicycle;
 - ii. "established grade" means an elevation of 160.86 metres Canadian Geodetic Datum;
 - iii. "height" means the vertical distance between established grade and the highest point of the building or structure, excluding mechanical penthouse;
 - iv. "residential gross floor area" means the sum of the total area of each floor level of a building, above and below *grade*, measured from the exterior of the main wall of each floor level, excluding the following:
 - i. Parking, loading and bicycle parking below-ground;
 - ii. Loading spaces at the ground level and bicycle parking spaces at or above-ground;
 - iii. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - iv. *Residential amenity space*; and
 - v. Elevator shafts, garage shafts, mechanical penthouses and exit stairwells in the building;

Other Provisions

- 2. The provisions of this exception shall apply collectively to the lands notwithstanding a future severance, partition or division of the lands;
- 3. All other provisions of former City of York By-law 1-83 shall continue to apply except in the case where provisions of this Exception are in conflict, in which case the provisions of this Exception shall prevail.
- 4. Section 37 Provisions
 - (a) Pursuant to Section 37 of the *Planning Act*, as it read the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020*, S.O. 2020, c.18 came

into force, 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 Schedule B in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule C hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act*, as it read the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020*, S.O. 2020, c.18 came into force, that is/are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;

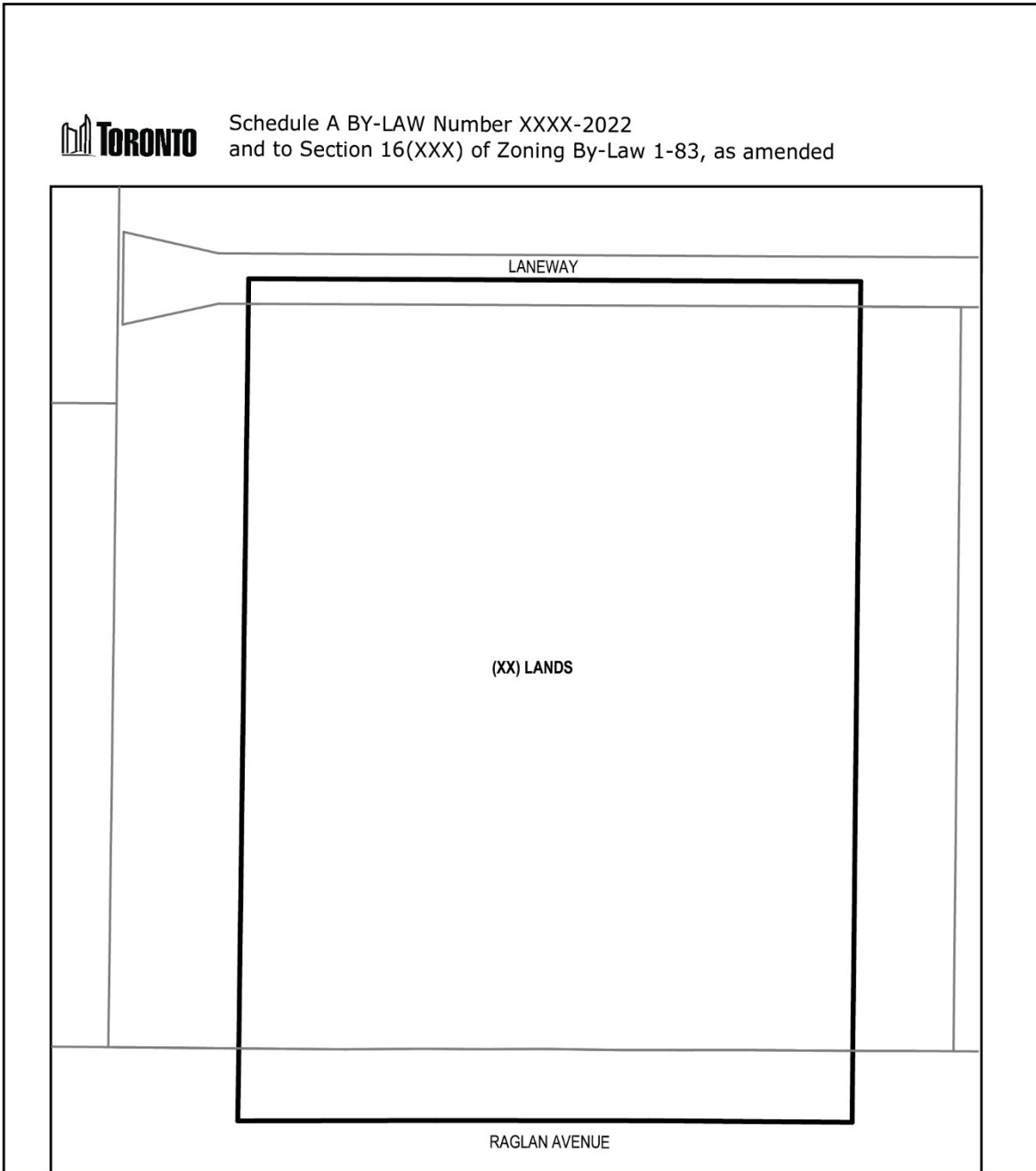
- (b) Where Schedule C of this By-law requires the owner to provide certain facilities, services or matters and to enter into an agreement prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same; and
- (c) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule C are satisfied.

Enacted and passed on July , 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)



Schedule A BY-LAW Number XXXX-2022
and to Section 16(XXX) of Zoning By-Law 1-83, as amended

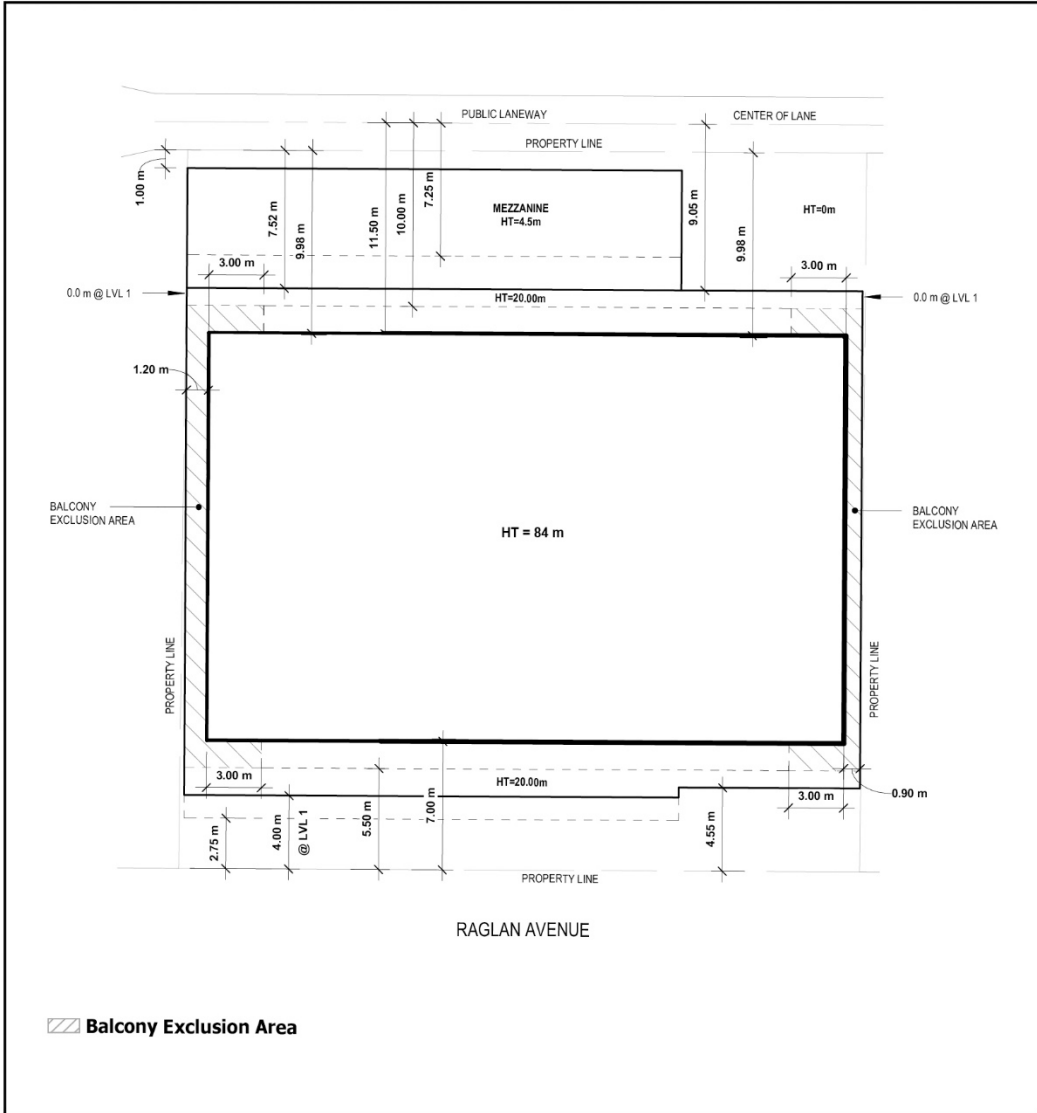
 **TORONTO**
Schedule A

91 - 101 Raglan Avenue

File # 21 199866 STE 12 OZ



Schedule B BY-LAW Number XXXX-2022
and to Section 16(XXX) of Zoning By-Law 1-83, as amended



TORONTO
Schedule B

91 - 101 Raglan Avenue

File # 21 199866 STE 12 OZ

Former City of York By-law 1-83
Not to Scale
06/01/2021

SCHEDULE C

Section 37 Requirements

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 B 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:

- A) The community benefits to be secured in the Section 37 Agreement are as follows:
- a) Prior to the issuance of the first above grade building permit for 91-101 Raglan Avenue, the Owner shall convey the lands known municipally as 85 and 87 Raglan Avenue to the City for municipal purposes, in an acceptable environmental condition and free and clear of all encumbrances except for an easement encumbrance shared between 87 Raglan Avenue and 89 Raglan Avenue, with the following requirements:
 - i. the Owner shall submit a Rental Housing Demolition Application for the lands at 85 and 87 Raglan Avenue, in accordance with Chapter 363-6.3. D of the Toronto Municipal Code and pursuant to Section 111 of the City of Toronto Act, 2006; and
 - ii. the Owner shall provide a title opinion for the lands known municipally as 85 and 87 Raglan Avenue, to the satisfaction of the City Solicitor.
 - b) Prior to the issuance of the first above grade building permit for the lands, the Owner shall pay to the City a cash contribution of \$400,000.00 to be allocated as follows:
 - i. \$250,000.00 in the form of a Letter of Credit, to be submitted, in the City's standard form, for public art, located off-site, to the satisfaction of the Chief Planner and Executive Director, City Planning; the Owner shall submit a Public Art Plan that is in accordance with the City's Percent for Public Art Program to the satisfaction of the Chief Planner and Executive Director, City Planning, and the Ward Councillor, and that the proposed Public Art Plan is presented to representatives from the community for their review and comment, in a process led by the Ward Councillor; and the terms of the Percent for Public Art Program shall be set out in the Section 37 Agreement;
 - ii. A \$150,000.00 payment in the form of a certified cheque for future road improvements contemplated for the Raglan Avenue corridor and adjacent local area, including (but not limited to) pavement marking and signage modifications, curb extension installations, the signalization of the Vaughan Road/Maplewood Avenue intersection, and other potential related infrastructure, to the satisfaction of the Chief Planner and Executive Director, City Planning;

- c) The payment amounts identified in Clause A(b) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential 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 City Council adopts the zoning by-law amendment(s) to the date of payment; and
- d) In the event the cash contributions referred to in Clause A(b) above have 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 Official Plan Policy 5.1.1 and will benefit the community in the vicinity of the lands.
- e) The Owner shall prepare all documents and convey to the City, at nominal cost, a 0.98-metre wide strip of land to the full extent of the site abutting the west limit of the north-south public lane, to a minimum depth of 1.2 metres from finished grade, together with right of support, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access and construction purposes in favour of the Grantor until such time as the said lands have been laid out and dedicated for public lane widening purposes, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the City Solicitor;
- f) the Owner shall provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a mid-block connection 4.0 metres wide and 5.5 metres in vertical height, with a minimum area of 156 square metres, comprised of a driveway, connecting Raglan Avenue and the north-south public lane to the west of the lands, as a surface easement for pedestrians and vehicles. The easement is to be conveyed to the City prior to the site plan approval, pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City, and with the configuration and design to be determined to the satisfaction of the Chief Planner and Executive Director, City Planning, the Chief Engineer and Executive Director, Engineering and Construction Services and the City Solicitor.
- g) prior to the issuance of site plan approval, the Owner shall provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a minimum area of 44.0 square metres at the front of the proposed building on Raglan Avenue, as a Privately Owned Publicly-Accessible Space (POPS) and shall provide to the City for nominal consideration POPS easements subject to public access easements for use of the POPS by members of the general public. The Owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the POPS at all times of the day and night, 365 days of the year; and the specific location, configuration and design of

the POPS shall be determined in the context of a site plan approval application pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City.

- B) The following matters to be secured in the Section 37 Agreement as a legal convenience to support the development are as follows:
- a) the provision of a commercial retail unit that is a minimum of 17.7 square metres and located on the ground floor of the proposed building at 91-101 Raglan Avenue, adjacent to the residential lobby, fronting onto Raglan Avenue;
 - b) the Owner shall provide ten percent (10%) of all new residential units in the proposed development on the Lands as three-bedroom units;
 - c) prior to site plan approval, the Owner shall submit a Pedestrian Level Wind Study, satisfactory to the Chief Planner and Executive Director, City Planning, including wind tunnel analysis, which identifies recommendations for the outdoor amenity areas, and pedestrian realm, including the proposed park to mitigate wind impacts year-round, and the Owner shall implement and maintain in support of the development all recommended mitigation measures to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - d) prior to site plan approval, the Owner shall provide a Construction Management Plan and Neighbourhood Communication Strategy, prior to Site Plan Approval, to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the General Manager of Transportation Services and the Ward Councillor;
 - e) prior to site plan approval, the Owner has registered on title a Limiting Distance Agreement with the City, to the satisfaction to the City Solicitor, over a portion of 105 Raglan Avenue, that ensures that the tower portion of the proposed residential building at 91-101 Raglan Avenue can achieve appropriate tower setback and separation distance to the north, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - f) the Owner shall submit documentation and/or cash contributions toward Transportation Demand Management measures, as listed below, and such cash contributions shall be paid by the Owner prior to the issuance of the site plan approval for the development, in the form of certified cheques, to the satisfaction of the General Manger, Transportation Services, and such cash contribution shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication 18-10-0135-01, or its successor, calculated from the date City Council adopts the zoning by-law amendment(s) to the date of payment:
 - i. The provision of a minimum of two (2) car-share parking space;

- ii. Written confirmation from a car-share operator for the proposed two (2) publicly-accessible car-share spaces provided on-site;
 - iii. One (1) bike-share membership per unit, offered in the first year of occupancy; and
 - iv. A minimum of one (1) bike repair stations provided on site.
- g) The Owner shall shift the lateral Toronto Water connection from north of the proposed driveway to be located directly under the proposed driveway at the south of the site in order to avoid conflict with proposed public trees, to the satisfaction of the Supervisor, Tree Protection and Plan Review - TEY District, as part of the Site Plan approval process.
- h) The Owner shall pay for and construct any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report, to be submitted for review and acceptance by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development.
- C) Prior to the issuance of any Building Permit, the owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits above.