

Authority: Toronto and East York Community Council Item TE34.12, adopted as amended, by City of Toronto Council on July 19, 20, 21 and 22, 2022

CITY OF TORONTO

BY-LAW 1050-2022

To amend Zoning By-law 569-2013, 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 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to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and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 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

Where Schedule A 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

Whereas the increase in the height and density of development 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 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 from a zone label of RA (x777) to RA (x164) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Exception Number RA 164 to Section 900.7.10 so that it reads:

(164) Exception RA 164

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 91-101 Raglan Avenue, as shown on Diagram 1 of By-law 1050-2022, if the requirements of Section 8 and Schedule A of By-law 1050-2022 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with (B) to (R) below;
- (B) For the purpose of this exception, the **lot** comprises the lands delineated by heavy lines on Diagram 1, attached to By-law 1050-2022;
- (C) Despite Regulation 15.5.40.10 (1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 160.86 metres and the elevation of the highest point of the **building** or **structure**;
- (D) Despite Regulation 15.10.40.10(1), no portion of any **building** or **structure** on the **lot** shall have a height in metres greater than the height limits specified by the numbers following the letters "HT" on Diagram 3 as shown on By-law 1050-2022;
- (E) Despite Regulations 15.5.40.10(2) to (6) and (D) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law 1050-2022:

- i. equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, chimneys, and vents, by a maximum of 6.0 metres;
 - ii. elevator shafts and overruns, by a maximum of 11.0 metres;
 - iii. **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, and an indoor **amenity space** with an area that is a maximum of 67 square metres, inclusive of a mechanical penthouse and indoor **amenity space**, by a maximum of 7.0 metres;
 - iv. architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 3.0 metres;
 - v. **building** maintenance units and window washing equipment, by a maximum of 3.0 metres;
 - vi. planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 3.0 metres; and
 - vii. trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3.0 metres;
- (F) Despite Regulation 15.10.40.40(1)(A) and (B), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 19,510 square metres, of which:
- i. the permitted maximum **gross floor area** for residential uses is 19,490 square metres;
 - ii. the permitted maximum **gross floor area** for non-residential uses is 20 square metres;
- (G) Despite Regulation 15.10.40.50(1)(A) and (B), a **building** with 20 or more **dwelling units** must provide **amenity space** on the **lot** at the following rate:
- i. at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**;
 - ii. at least 1.7 square metres of outdoor **amenity space** for each **dwelling unit**;
- (H) Despite Clauses 15.10.40.70 and 15.10.40.80, the required minimum **building setbacks** and required **main wall** separation distances are as shown in metres on Diagram 3 of By-law 1050-2022;

- (I) Despite Clause 15.5.40.60 and (H) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- i. balconies, provided that balconies which are located at a height equal to or greater than 26.37 metres must be located at least 10 metres from the centerline of the public lane to the east of the **lot** as shown on Diagram 3 of By-law 1050-2022;
 - ii. balconies are not permitted in the "Balcony Exclusion Area" as shown on Diagram 3 of By-law 1050-2022;
 - iii. balconies not included in (I)(i) and ii) above, to a maximum of 1.5 metres;
 - iv. 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, to a maximum of 3.0 metres;
- (J) Despite regulation 15.5.50.10(1) a minimum of 90 square metres of **landscaping** must be provided on the **lot**, of which a minimum of 30 square metres of the required **landscaping** must be comprised of **soft landscaping**;
- (K) In addition to the uses permitted with conditions listed in Regulation 15.10.20.20(1), an **eating establishment** and **take-out eating establishment** are also permitted provided the combined **interior floor area** of an **eating establishment** or **take out eating establishment** in the **building** does not exceed 20 square metres;
- (L) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- i. a minimum of 0.14 residential occupant **parking spaces** for each **dwelling unit**;
 - ii. a minimum of 0.05 residential visitor **parking spaces** for each **dwelling unit**; and
 - iii. a minimum of 2 "car-share parking spaces";
 - iv. No **parking spaces** are required for non-residential uses;

- (M) Despite regulation 200.5.1.10.(2) a maximum of 5 **parking spaces** can be obstructed on one or both sides without the requirement to increase the minimum width on each obstructed side by 0.3 metres;
- (N) Despite regulation 200.15.10(1) a minimum of 2 of the required **parking space** in (L) above must be accessible **parking spaces**;
- (O) Despite regulation 200.15.1(1) to (4) and By-law 579-2017, accessible **parking spaces** must be provided and maintained in accordance with the following:
- i. An accessible **parking space** must have the following minimum dimensions:
 - (a) Length of 5.6 metres;
 - (b) Width of 3.4 metres; and
 - (c) Vertical clearance of 2.1 metres;
 - ii. 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 Diagram 2 of By-law 579-2017;
 - iii. 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**;
- (P) Despite regulation 230.5.1.10.(9) required "long-term" **bicycle parking spaces** may be provided in **stacked bicycle parking spaces** and may be located in a storage room and/or a below ground parking garage in a **building** on the **lot**;
- (Q) Despite regulation 230.5.10.1(1), no **bicycle parking spaces** are required for non-residential uses;
- (R) 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.

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

- 5. Despite any existing or future consent, severance, partition or division of the lot, the provisions of this By-law shall apply to the lands, as identified on Diagram 1, as if no consent, severance, partition or division occurred.
- 6. Temporary use(s):
 - (A) None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a sales office on the **lot** for a period of not more than 3 years from the date this By-law comes into full force and effect, provided that:
 - i. the **building** or **structure** is limited to one **storey**.
- 7. For the purpose of interpreting this by-law, the following definitions shall apply:
 - (A) "Car-share" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.
 - (B) "Car-share parking space" means a **parking space** that is exclusively reserved and actively used for "car-share".
- 8. Section 37 Requirements:
 - (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 Diagrams 2 and 3 attached to this By-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A attached to this By-law 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 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.

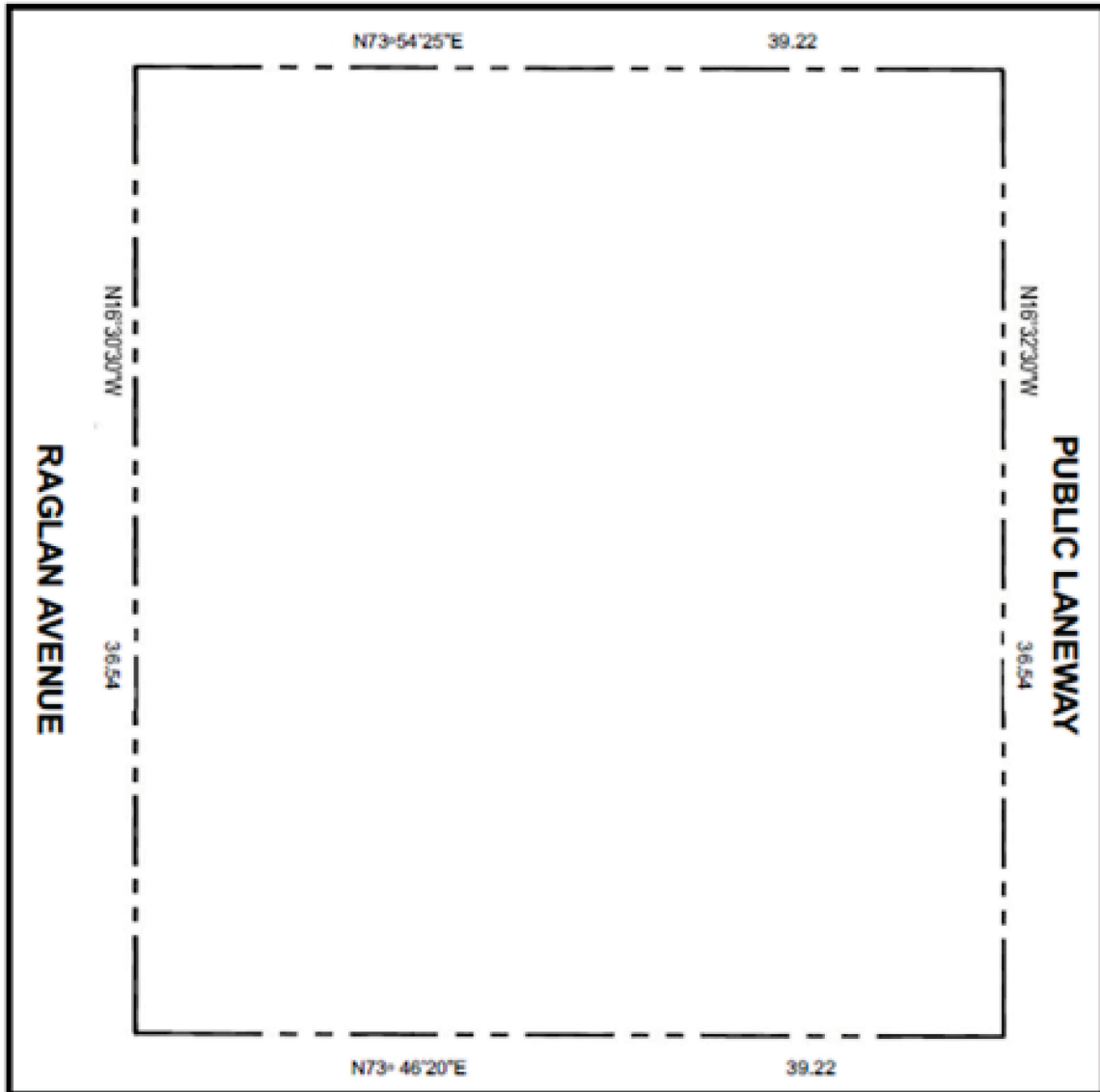
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

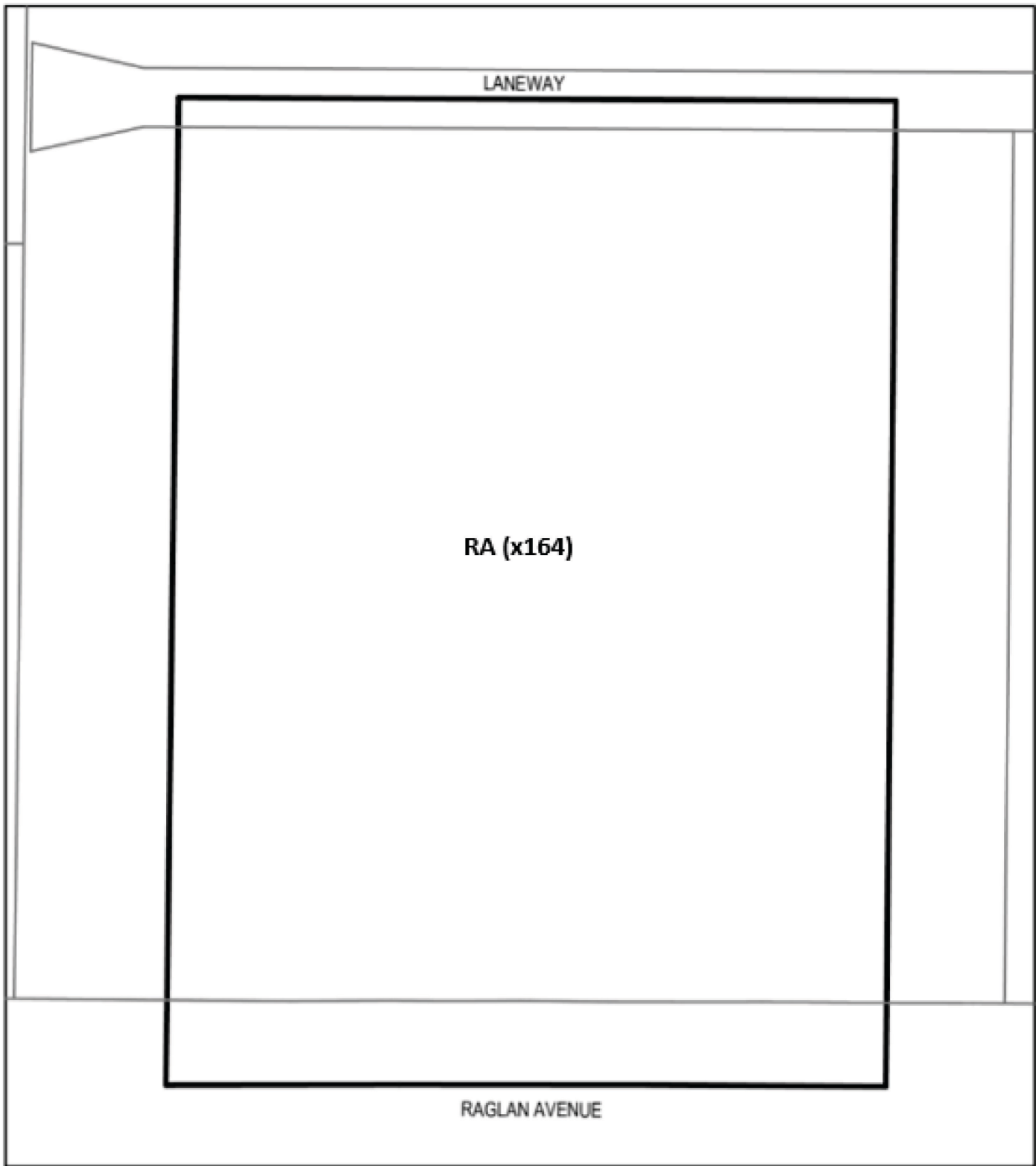


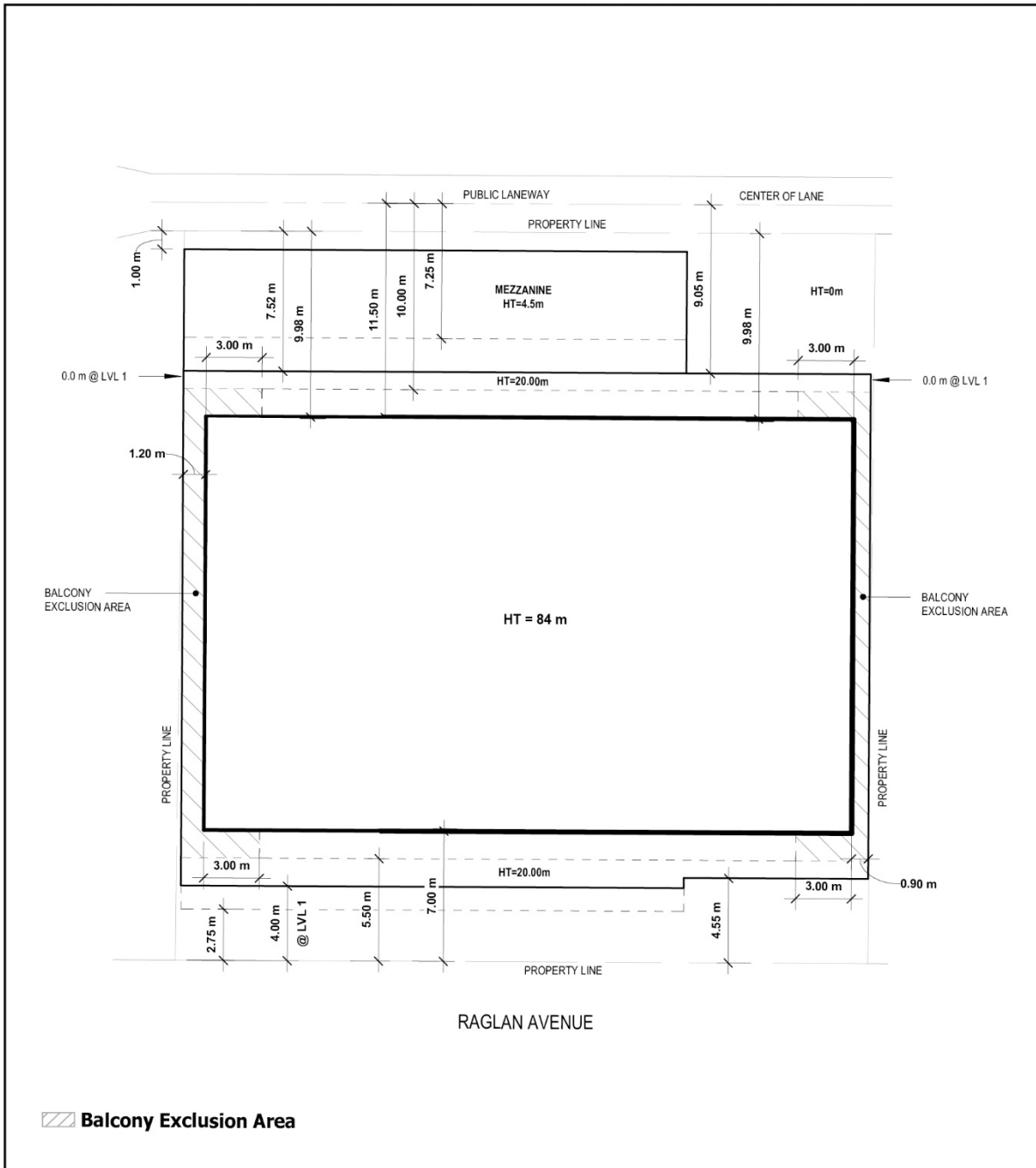
 **TORONTO**
Diagram 1

91-101 Raglan Avenue, Toronto

File # 21 199866 STE 12 02


City of Toronto By-law 569-2013
Not to Scale
08/01/2021





 **TORONTO**
Diagram 3

91-101 Raglan Avenue, Toronto

File # 21 199866 STE 12 0Z

SCHEDULE A
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 Diagrams 2 and 3 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.