

Authority: Toronto and East York Community Council
Item TE34.11, adopted as amended, by City of Toronto
Council on July 19, 20, 21 and 22, 2022

CITY OF TORONTO

BY-LAW 1051-2022

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 40 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to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and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 D 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 D 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. District Map 15 of By-law 1-83, as amended, is amended by deleting the zoning that applies to the lands delineated by heavy lines on Schedule A attached and forming part of this By-law and zoning those lands "RM2 S16(511)".
2. Except as provided herein, the provisions of former City of York By-law 1-83, as amended, shall apply to the entirety of the *lot*.
3. That Section 16(12) General Exceptions of former City of York By-law 1-83, as amended, be further amended by removing Site Specific Exception (12) and adding a new subsection S16(511) as follows:

S 16 (511)

Notwithstanding the provisions of former City of York Zoning By-law 1-83, the *lot*, as delineated by heavy lines on Schedule B attached to and forming part of this By-law, and municipally known as 40 Raglan Avenue in the year 2021, may be used for the purposes of an apartment house subject to the following provisions:

Maximum Gross Floor Area

- (A) The maximum permitted residential gross floor area on the *lot* shall not exceed 21,816 square metres.
- (B) A 245 square metre community centre shall be provided on the *lot*, on the ground floor of a building;

Dwelling Units

- (C) A minimum of 10 percent of dwelling units must be 3-bedroom or greater dwelling units;

Building Height

- (D) The height of the building shall not exceed the maximum height in metres measured from established grade shown on Schedule C attached to and forming part of this By-law, excluding:
 - i. mechanical penthouse, structure or elements, having a maximum height of 7.0 metres above the applicable height limit shall be permitted within any area demarcated on Schedule C;
 - ii. a parapet, roof drainage, thermal insulation or roof ballast, and roof construction assembly elements, located at each of the roof levels of the building, provided the maximum vertical distance of any such structure does not exceed 1.8 metres;

- iii. safety railings and fences at each of the roof levels of the building, provided the maximum vertical dimension of any such structure does not exceed 1.8 metres, and having a maximum combined vertical dimension with (i) above of 2.75 metres above the height of each roof level of the building;
- iv. structures on the roof of any part of the building used for outside or open air recreation, green roof elements, wind mitigation elements, landscape features, architectural elements, elevator overruns, public art features, , telecommunications equipment and antennae, window washing equipment, stair towers, stair enclosures, partitions dividing outdoor recreation areas, trellises or a fence, planters, landscape features, walls or structures enclosing such elements, lightning rods and exhaust flues, swimming pools (elevated or otherwise), structures housing pool or spa maintenance or operational equipment, provided the maximum vertical distance of such does not exceed 4.0 metres;

Yard Setbacks

- (E) The minimum yard setbacks shall be shown on Schedule C attached to and forming part of this By-law except that:
 - i. Supporting columns encroachments into the required building setback, on the north side of the building, are permitted;
 - ii. Balconies projecting from the south main wall and east main wall only, above the seventh storey only, and by a maximum of 1.8 metres;
 - iii. Balcony encroachments into the required minimum building setbacks are not permitted from the north or west main walls;
 - 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, planters, monuments, arbours, patios, decorative features, stairs, stair enclosures, stair landings, supportive columns, wheel chair ramps, vents, stacks, wind screens and features, acoustic screens and features, underground garage ramps and their associated structures, underground garage stair enclosures, retaining walls, fences, screens, weather protection canopies, and landscape and public art features, to a maximum of 3.0 metres;

Parking

- (F) 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;

- (G) Vehicles parking spaces shall be provided on the *lot* in accordance with the following standards:
- i. A minimum of 0.28 parking spaces per each dwelling unit for residents;
 - ii. A minimum of 0.03 visitor parking spaces per each dwelling unit;
 - iii. A minimum of 1 parking space for the community centre and
 - iv. A minimum of 1 car sharing spaces shall be provided.
- (H) The minimum driveway aisle width shall be 6.0 metres;

Bicycle Parking

- (I) Bicycle parking spaces shall be provided on the *lot* as follows:
- i. A minimum of 247 bicycle parking spaces for Residents; and
 - ii. A minimum of 28 bicycle parking spaces for Visitors;

Loading Space

- (J) One Type "G" loading space shall be provided and maintained on the *lot*;

Amenity

- (K) Amenity space shall be provided at a minimum rate of 4.0 square metres for each dwelling unit, of which 2.0 square metres is indoor amenity space located at or above established grade and at least 40.0 square metres is outdoor amenity space in a location adjoining or directly accessible to the indoor amenity space and no more than 25 percent of the outdoor component may be a green roof;

Leasing Presentation Centre

- (L) None of the provisions of By-law 1-83 shall apply to prevent a temporary sales/leasing office on the *lot* as of the date of the passing of this By-law;

Severance

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

Definitions

- (N) For the purposes of this By-law the following definitions shall apply:
- i. "amenity space" means indoor or outdoor space on a *lot* that is communal and available for use by the occupants of the building on the *lot* for recreational and social activities;
 - ii. "bicycle parking space" means an area used for parking or storing a bicycle;
 - iii. "car-share" means the practice where a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization, such *car-share* motor vehicles to be made available to at least the occupants of the building for short term rental, including hourly rental. *Car-share* organizations may require that the *car-share* motor vehicles 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;
 - iv. "car-share parking space" means a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes;
 - v. "community centre" means premises operated by or on behalf of a government or non-profit organization providing community activities, such as arts, crafts, recreational, social, charitable and educational activities. A club is not a community centre;
 - vi. "established grade" means an elevation of 158.3 metres Canadian Geodetic Datum;
 - vii. "height" means the vertical distance between established grade and the highest point of the building or structure, excluding mechanical penthouse;
 - viii. "*lot*" shall mean the lands delineated by heavy lines on the attached Map 1 to this By-law;
 - ix. "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:
 - a. Parking, loading and bicycle parking below established grade;
 - b. Loading spaces and bicycle parking spaces at or above-ground;
 - c. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;

- d. Indoor amenity space; and
 - e. Elevator shafts, garage shafts, mechanical penthouses and exit stairwells in the building;
 - x. "Type G loading space" means an area used for the loading or unloading of goods or commodities from a vehicle and having a minimum length of 13.0 metres, a minimum width of 4.0 metres and a minimum vertical clearance of 6.1 metres.
4. 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.
5. 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 C in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule D 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 D 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 D are satisfied.

Enacted and passed on July 22, 2022.

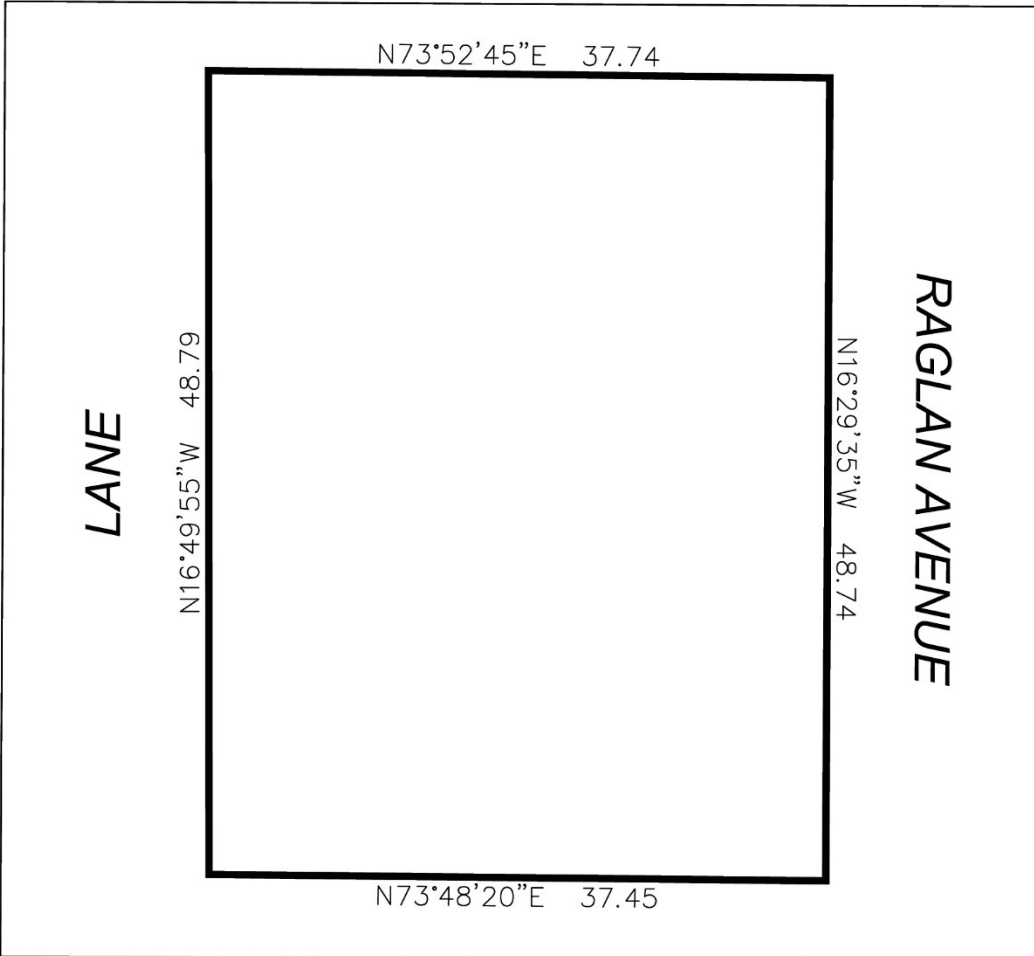
Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)



Schedule A BY-LAW Number 1051-2022
and to Section 16 (511) of Zoning By-Law 1-83, as amended



LOTS 7, 8, 9, AND 10, BLOCK E
REGISTERED PLAN 875
CITY OF TORONTO (FORMERLY CITY OF YORK)

TORONTO
Schedule A

40 Raglan Avenue

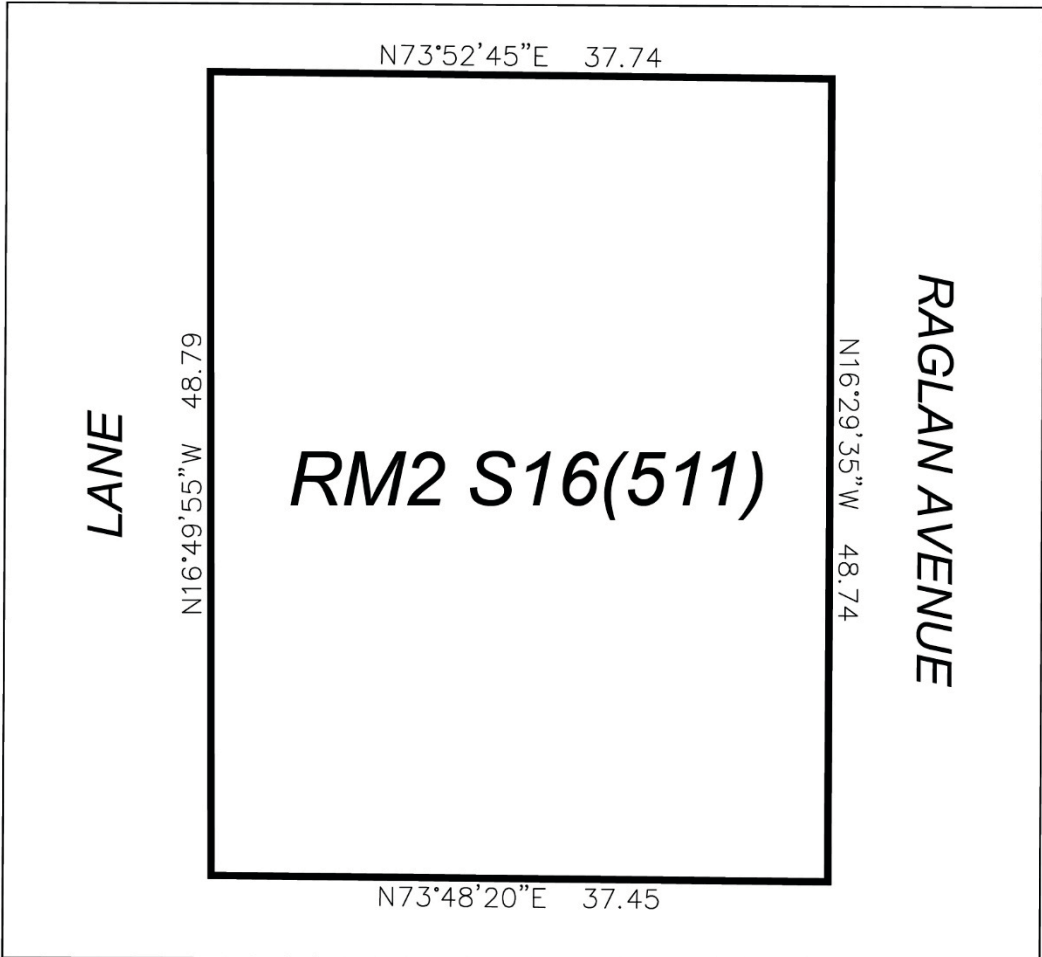
File # 21 212462 STE 12 0Z

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





Schedule B BY-LAW Number 1051-2022
and to Section 16 (511) of Zoning By-Law 1-83, as amended



LOTS 7, 8, 9, AND 10, BLOCK E
REGISTERED PLAN 875
CITY OF TORONTO (FORMERLY CITY OF YORK)

TORONTO
Schedule B

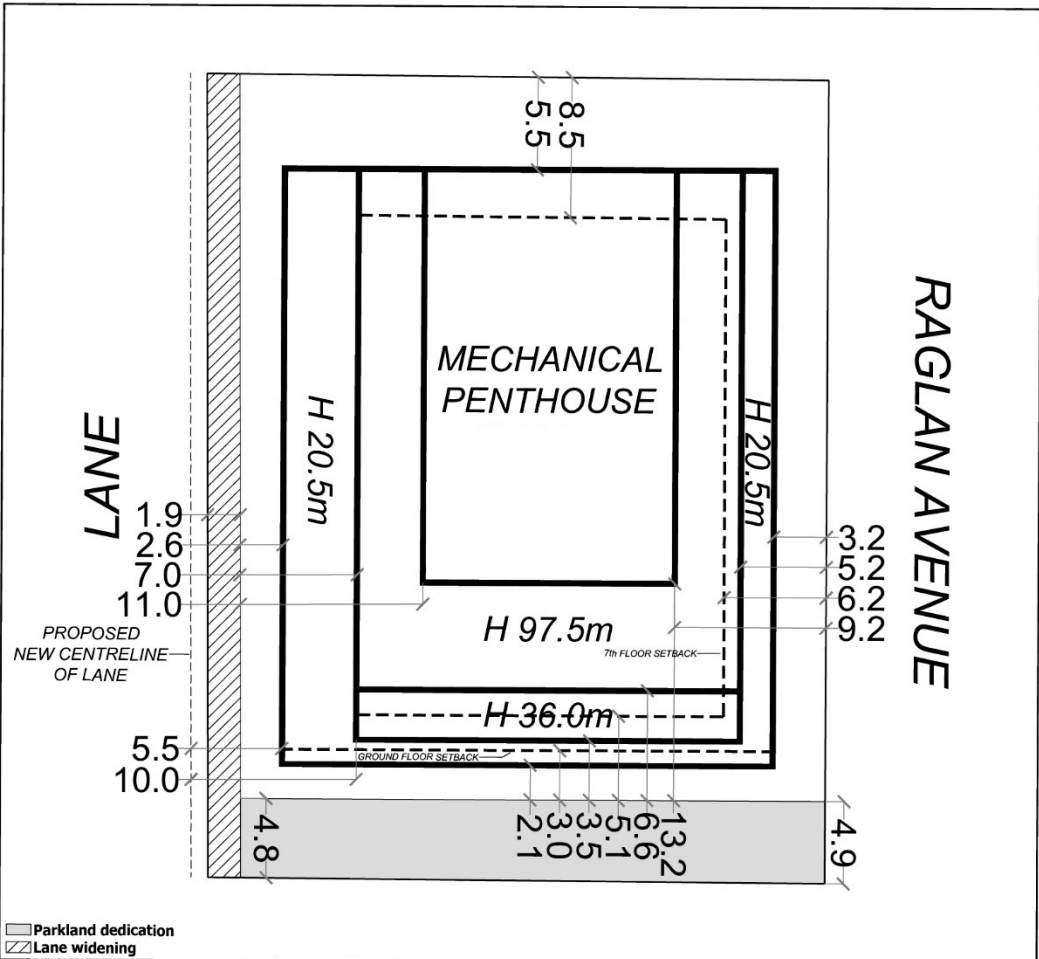
40 Raglan Avenue

File # 21 212462 STE 12 0Z

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



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



LOTS 7, 8, 9, AND 10, BLOCK E
REGISTERED PLAN 875
CITY OF TORONTO (FORMERLY CITY OF YORK)



40 Raglan Avenue

File # 21 212462 STE 12 OZ

SCHEDULE D
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 Schedules 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:
1. Prior to the earlier of condominium registration or first occupancy of any residential unit on the Lands, the Owner shall design, construct, finish and convey freehold ownership to the City, in an acceptable environmental condition and at no cost to the City, a minimum of 245 square metres of Community Agency Space on the ground floor of the proposed building (the "Community Agency Space") and provide the Community Agency Space in accordance with the City's Community Space Tenancy Policy and Base Building Conditions, with the terms and specifications to be finalized and secured in the Section 37 Agreement, all satisfactory to Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning, and the City Solicitor including;
 - a) a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and handover of the Community Agency Space complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning, and the City Solicitor; will be provided to the City prior to the issuance of the first above-grade building permit for non-residential uses to secure the Community Agency Space pursuant to Part A.1. above, with such Community Agency Space to be made available to the City within twelve (12) months of residential occupancy of the building;
 - b) a one-time cash contribution in the amount of \$300,000 for future capital improvements to the Community Space;
 - c) the provision of one parking space for the Community Agency Space;
 - d) all cash contributions shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date City Council adopts the zoning by-law amendment(s) to the date of payment;
 2. The Owner shall secure, in the Section 37 Agreement, the number, size, type, and tenure of replacement residential rental units and improvements to the existing residential rental property, as outlined in Recommendation 6, in the report

(June 13, 2022) from the Director, Community Planning, Toronto and East York District.

3. The Owner shall prepare all documents and convey to the City, at nominal cost, a 1.98 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;
 4. 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 7.1 metres wide and 5.3 metres in vertical height, with a minimum area of 640 square metres, comprised of a driveway and pedestrian walkway, connecting Raglan Avenue and the north-south public lane to the west of the site, as a surface easement for vehicle and pedestrian use by members of the general public. Such easements shall be conveyed to the City prior to Site Plan Approval, and with the configuration and design to be determined to the satisfaction of the Chief Planner and Executive Director, City Planning in the context of site plan approval;
 5. Prior to Site Plan Approval, the Owner will submit a public art plan, detailing the cost estimate, design and construction of a permanent on-site public art installation, that shall include artistic or decorative lighting along the public laneway and/or southern pedestrian walkway, at a minimum value of \$15,000.00, indexed upwardly in accordance with the Construction Price Index, calculated from the date of the Section 37 Agreement to the date of payment, to be secured by way of a letter of credit provided by the owner to the City to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor. The owner shall install, operate, maintain and repair the permanent public art installation at its own expense, in perpetuity. The letter of credit will be released fully, upon inspection that the public art installation has been built as per the public art plan, to the satisfaction of City of the Chief Planner and Executive Director, City Planning.
- B. The following matters to be secured in the Section 37 Agreement as a legal convenience to support development are as follows:
1. The Owner shall submit a payment in the form of a certified cheque for \$100,000.00 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;

2. The provision of a commercial retail unit that is a minimum of 19 square metres and located on the ground floor of the building, fronting onto Raglan Avenue;
3. The Owner shall provide ten percent (10%) of all net new residential units in the proposed development on the Lands as three-bedroom units;
4. 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;
5. 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 Division in consultation with the General Manager of Transportation Services and the Ward Councillor;
6. 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:
 - a) The provision of a minimum of one (1) car-share parking space;
 - b) Written confirmation from a car-share operator for the proposed one (1) publicly-accessible car-share spaces provided on-site;
 - c) One (1) bike-share membership per unit, offered in the first year of occupancy;
 - d) One (1) pre-loaded Presto card (\$100 value) per unit, offered in the first year of occupancy; and
 - e) A minimum of one (1) bike repair station provided on-site;
7. The Owner has, registered on title, a Limiting Distance Agreement, or similar legal instrument, over 54 Raglan Avenue, including the City as a party, that ensures that the tower portion of the proposed residential building at 40 Raglan Avenue can achieve an 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;

8. Prior to Site Plan Approval and issuance of the first building permit, the Owner shall revise and submit to the City, for review and acceptance, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, the following:
 - i. Functional Servicing and Stormwater Management Report;
 - ii. Hydrogeological Report;
 - iii. Servicing Report Groundwater Summary Form; and
 - iv. Hydrogeological Review Summary Form.
 9. The Owner will pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing and Stormwater Management Report, should it be determined that upgrades 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.