

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 1052-2022

To amend Zoning By-law 569-2013, 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 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to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and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 and replacing Exception RA 537 in Regulation 900.7.10(537) so that it reads:

(537) Exception RA 537

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 40 Raglan Avenue, as shown on Diagram 1 of By-law 1052-2022, if the requirements of Section 7 and Schedule A of By-law 1052-2022 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (P) below;
- (B) Despite Regulation 15.5.40.10 (1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 159.48 metres and the elevation of the highest point of the **building** or **structure**;
- (C) For the purpose of this exception, the **lot** comprises the lands delineated by heavy lines on Diagram 1, attached to By-law 1052-2022;
- (D) Despite Clause 15.10.40.10, 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 2 as shown on By-law 1052-2022;
- (E) Despite Clauses 15.5.40.10 and 15.10.40.10, 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 symbol HT on Diagram 2 attached to By-law 1052-2022, except for:
 - i. a mechanical penthouse, which must be located in the area labelled "Mechanical Penthouse" on Diagram 2 of By-law 1052-2022, by a maximum of 7.0 metres;

- 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**, by a maximum of 1.8 metres;
 - iii. safety railings and fences at each of the roof levels of the **building**, by a maximum of 1.8 metres, which may be in addition to the projection permitted in (i) above, provided the combined projection with (i) above does not exceed 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, by a maximum of 4.0 metres.
- (F) Despite Regulation 15.10.40.40(1)(B), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 21,915 square metres, of which:
- i. the permitted maximum **gross floor area** for residential uses is 21,650 square metres;
 - ii. the permitted maximum **gross floor area** for non-residential uses is 265 square metres, of which a minimum of 245 square metres is required for a **community centre**, which must be located in the area labelled "Community Agency Space" on Diagram 3 of By-law 1052-2022,
- (G) In addition to the elements which reduce **gross floor area** for an **apartment building** listed in Regulation 15.5.40.40(1), **gross floor area** may also be reduced by:
- i. areas used for a **community centre**; and
 - ii. surplus indoor **amenity space**;
- (H) A minimum of 10 percent of **dwelling units** must be 3-bedroom or greater **dwelling units**;
- (I) 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 2.0 square metres of outdoor **amenity space** for each **dwelling unit**;
- (J) Despite Clauses 15.10.40.70 and 15.10.40.80, the required minimum **building setbacks** and **main wall** separation distances are as shown in metres on Diagram 2 of By-law 1052-2022, except that:
- i. Supporting columns encroachments into the required **building setback**, on the north side of the **building**, are permitted;
- (K) Despite Clause 15.5.40.60 and (J) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- i. 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;
 - ii. Balcony encroachments into the required minimum **building setbacks** are not permitted from the north or west **main walls**;
 - iii. 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;
- (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 0.28 residential occupant **parking spaces** for each **dwelling unit**;
 - ii. a minimum of 0.03 residential visitor **parking spaces** for each **dwelling unit**;
 - iii. a minimum of 1 **parking space** for the **community centre**;
 - iv. a minimum of 1 "car sharing space";
 - v. For each "car-share parking space" provided on the **lot**, the minimum number of **parking spaces** required by (L)(i) above is reduced by 4 **parking spaces** up to a maximum of 3 "car-share parking spaces"; and

- vi. No **parking spaces** are required for non-residential uses except as required in (L)(iii);
- (M) Despite Regulations 230.5.10.1(1)(3) and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided on the **lot** in accordance with the following minimum rates:
 - i. 247 "long-term" **bicycle parking spaces** for residential occupants;
 - ii. 28 "short-term" **bicycle parking spaces** for residential visitors;
 - iii. No **bicycle parking spaces** are required for non-residential uses;
- (N) Despite Regulation 230.5.1.10(4), if a **stacked bicycle parking space** is provided in a "Parking stacker – bicycle" where any portion of a bicycle is situated above or below any portion of an adjacent bicycle, the minimum required width of each such **stacked bicycle parking space** is 0.25 metres;
- (O) Despite Regulation 15.5.50.10(1), **landscaping** and **soft landscaping** must be provided in accordance with the following:
 - i. A minimum of 10 percent of the **lot area** is required to be **landscaping**; and
 - ii. A minimum of 5 percent of the **landscaping** area required in (i) above, must be comprised of **soft landscaping**;
- (P) Despite Regulation 15.10.20.100(2), a **community centre** is not required to be on a **lot** that abuts a **major street** on the Policy Areas Overlay Map.

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

- 4. 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.
- 5. Temporary use(s):

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**.
- 6. 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".
- (C) "Parking stacker – bicycle" means a mechanical bicycle parking facility with **bicycle parking spaces** which:
 - i. are positioned above each other;
 - ii. the platform of such bicycle parking space may have dimensions of no less than 0.25 metres by 1.80 metres and a height allowance of 1.0 metres; and
 - iii. may not be readily accessible at all times without maneuvering another bicycle or device.

7. Section 37 Requirements:

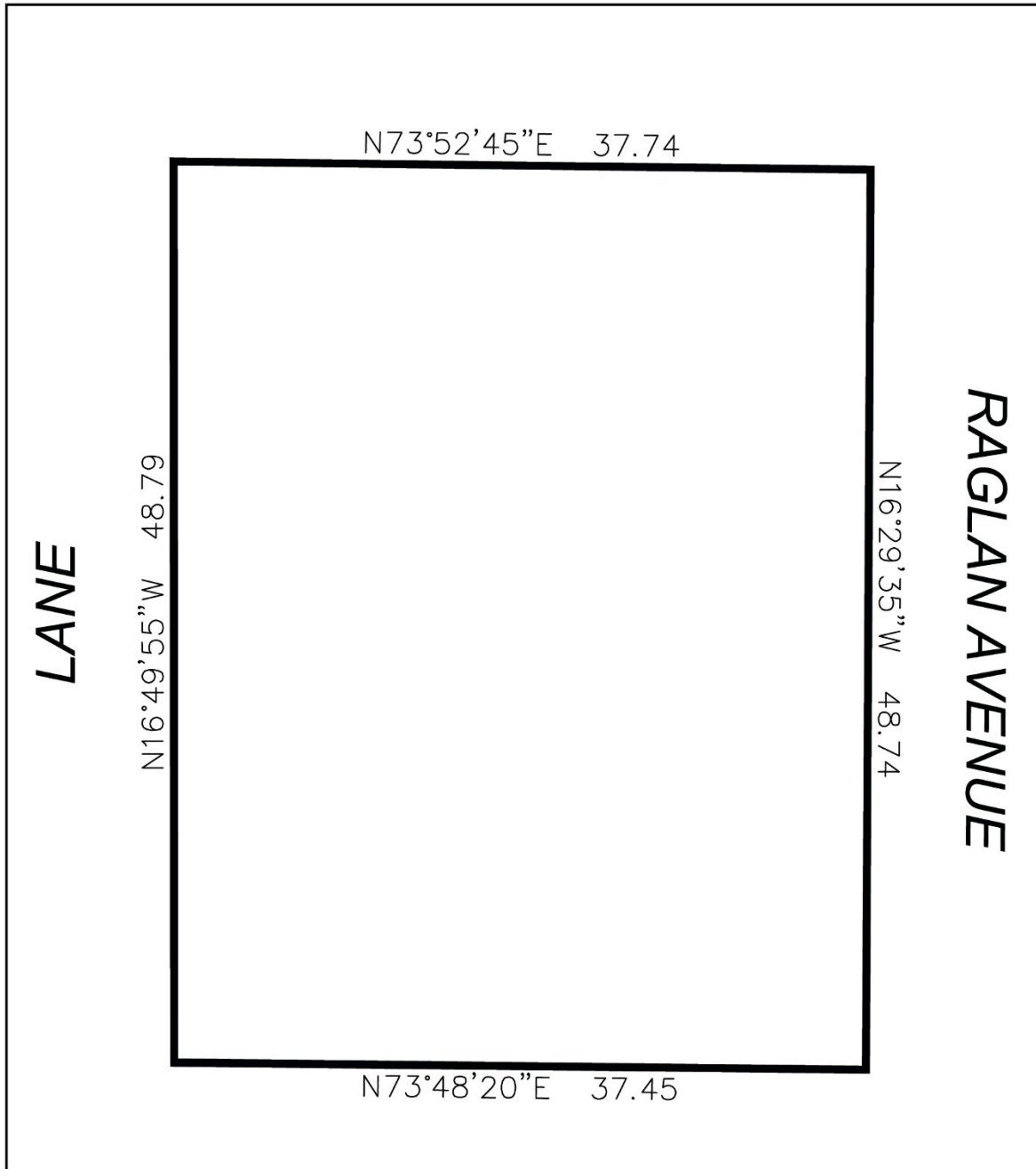
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagrams 2 and 3 attached to this By-law in return for the provision by the owner, at 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.

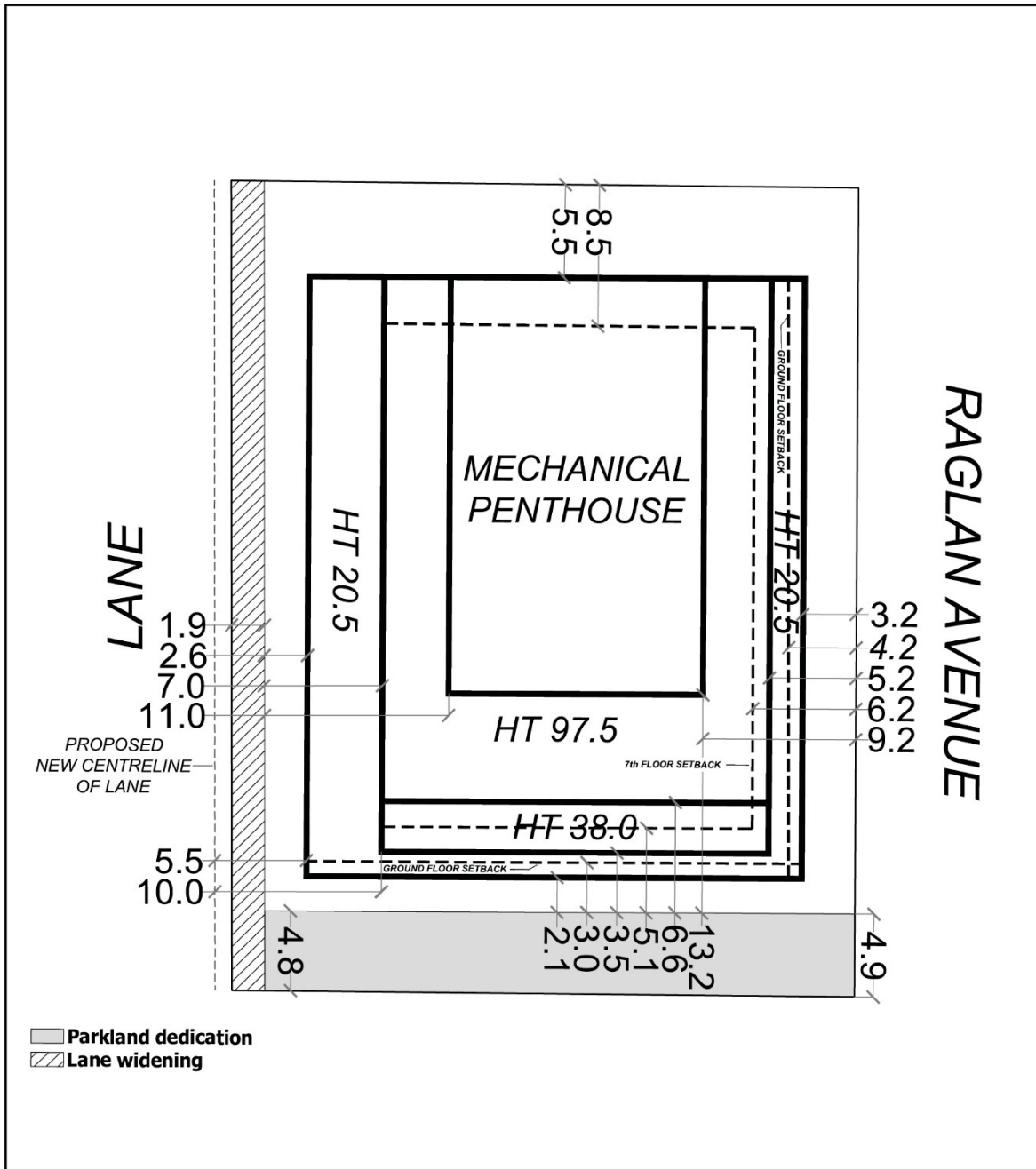
Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

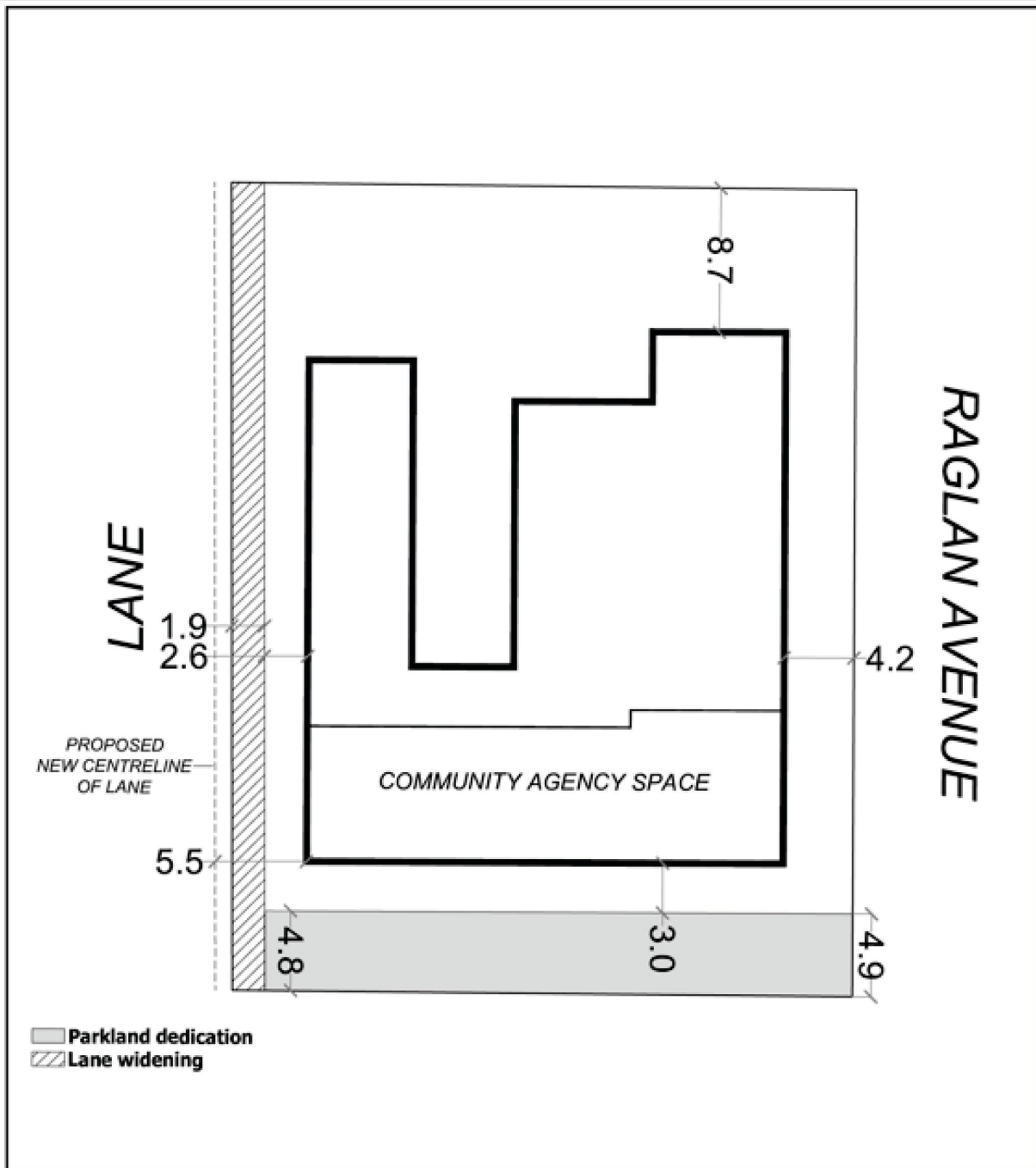




TORONTO
Diagram 2

40 Raglan Avenue, Toronto

File # 21 212462 STE 12 0Z



 **TORONTO**
Diagram 3

40 Raglan Avenue, Toronto

File # 21 212462 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:
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 financial 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:
 - a) Functional Servicing and Stormwater Management Report;
 - b) Hydrogeological Report;
 - c) Servicing Report Groundwater Summary Form; and
 - d) 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.