

Authority: Ontario Land Tribunal Decision and Interim Order issued on April 09, 2021 and final Order issued on August 12, 2022, in Tribunal File PL190399

CITY OF TORONTO

BY-LAW 1172-2022(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 65-83 Raglan Avenue.

Whereas the Ontario Land Tribunal, by its Decision and Interim Order issued on April 9, 2021 and its final Order issued on August 12, 2022 in OLT Case PL190399 approved amendments to the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands municipally known as 65-83 Raglan Avenue; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

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the *COVID-19 Economic Recovery Act, 2020* came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and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

By-law 569-2013, as amended, of the City of Toronto is further amended by the Ontario Land Tribunal as follows:

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 same 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(x206) 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(x206) to Article 900.7.10 so that it reads:

(206) Exception RA (206)

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 65-83 Raglan Avenue, as shown on Diagram 1 of By-law 1172-2022(OLT), if the requirements of Section 8 and Schedule A of By-law 1172-2022(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with (B) to (Q) below;
- (B) For the purpose of this Exception, the **lot** comprises the lands delineated by heavy lines on Diagram 1, attached to By-law 1172-2022(OLT);
- (C) Despite Regulation 15.5.40.10 (1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 160.51 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 1172-2022(OLT);

- (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 1172-2022(OLT):
- (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, elevator shafts and overruns, enclosed stairwells, roof access, maintenance equipment storage, chimneys, and vents, by a maximum of 7.0 metres;
 - (ii) architectural features, parapets, **building** maintenance units and window washing equipment, planters, public art features, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space** and elements and **structures** associated with a **green roof**, 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 23,550 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 1.9 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 1.9 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 1172-2022(OLT);
- (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 26.9 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 1172-2022(OLT);
 - (ii) balconies are not permitted to encroach into the east building setback if located at a height less than 26.9 metres;
 - (iii) balconies, not included in (I)(i) or (ii), to a maximum of 1.5 metres;
 - (iv) cornices, light fixtures, ornamental elements, parapets, public art and landscape features, patios, decks, pillars, trellises, terraces, eaves, window sills, bay windows, planters, ventilation shafts, guardrails, balustrades,

railings, stairs and stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, to a maximum of 2.5 metres;

- (J) Despite regulation 15.5.50.10(1) a minimum of 130 square metres of **landscaping** must be provided on the **lot**, of which a minimum of 50 square metres of the required **landscaping** must be comprised of **soft landscaping**;
- (K) 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 0.43 residential occupant **parking spaces** for each **dwelling unit**;
 - (ii) a minimum of 0.06 residential visitor **parking spaces** for each **dwelling unit**;
 - (iii) For each "car-share parking space" provided on the lands, a reduction of four (4) residential occupant **parking spaces** is permitted, and that the maximum reduction permitted by this means be capped by the following formula:

$$4 \times (\text{total no. of } \mathbf{dwelling\ units} / 60), \text{ rounded down to the nearest whole number};$$
 - (a) For the purposes of this exception: "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** that are owned and operated by a profit or non-profit organization, and such "car-share" motor **vehicles** are made available to at least the occupants of the **building** for short term rental, including hourly rental; and
 - (b) "car-share parking space" means a **parking space** exclusively reserved and signed for a car used only for "car-share" purposes;
- (L) Despite Regulation 200.5.1.10.(2) a maximum of 18 **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;
- (M) Despite Regulation 200.15.10(1) a minimum of 6 of the required **parking space** in (K) above must be accessible **parking spaces**;
- (N) Despite Regulation 200.15.1(1) to (4), 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 3;
 - (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**;
- (O) 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;
- (P) The provision of **dwelling units** is subject to the following:
- (i) a minimum of 10 percent of the total number of **dwelling units** must contain three bedrooms;
 - (ii) a minimum of 20 percent of the total number of **dwelling units** must contain two bedrooms;
 - (iii) of the required three bedroom **dwelling units** in (i) above, 100 percent may be provided as two bedroom **dwelling units** as follows:
 - (a) 50 percent shall have a minimum **interior floor area** of 81.7 square metres;
 - (b) 50 percent shall have a minimum **interior floor area** of 91.5 square metres;
 - (iv) any **dwelling units** with three or more bedrooms or two bedrooms provided to satisfy (i) above are not included in the provision required by (ii) above;
- (Q) Despite regulation 800.50(820), and for the purposes of this By-law, any portion of a building that is located within 6.5 metres in height from established grade shall be considered as 1-storey;

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** and 6.0 metres.

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.

Pursuant to Ontario Land Tribunal Decision and Interim Order issued on April 9, 2021 and Final Order issued on August 12, 2022 in Tribunal File PL190399.

SCHEDULE A**Section 37 Provisions**

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in 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:

1. Prior to the issuance of any Building Permit, the owner shall enter into an agreement or agreements 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 facilities, services or matters set out below.
2. The owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* as follows:
 - a. 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 \$1,200,000.00 to be allocated as follows:
 - i. \$800,000 cash contribution towards capital improvements for new or existing cultural and/or community space within the vicinity of the application site, local area park improvement, and/or streetscape improvements to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and
 - ii. a Letter of Credit shall be submitted, in the City's standard form, in the amount of \$400,000 to secure for public art on the lands 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.
 - b. the payment amounts identified in Part 2.a. 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 of the execution of the Section 37 agreement to the date of payment.
 - c. in the event the cash contribution referred to in Part 2.a. above has not been used for the determined purpose within three years of the amending Zoning Bylaw

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.

3. The following be secured as a legal convenience as matters required to support development, in consultation with the Ward Councillor:
 - a. 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 east 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;
 - b. the owner will include in the future Site Plan application, implement and maintain, all of the recommended wind mitigation measures, as detailed in the Pedestrian Level Wind Study, by Theakson Environmental, dated August 26, 2020 to the satisfaction of the Chief Planner and Executive Director, City Planning and prior to the issuance of Site Plan Approval;
 - c. the owner shall provide a Construction Management Plan and Neighbourhood Communication Strategy, prior to the issuance of Site Plan Approval, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Transportation Services and the Ward Councillor;
 - d. the owner shall provide the privately-owned publicly accessible space of not be less than 215.9 square metres along the southern lot line, 5.5 metres in width, and 5.5 metres in height as generally shown on the architectural plans by IBI Group dated September 30, 2020 to the satisfaction of the Chief Planner and Executive Director, City Planning; prior to the issuance of Site Plan Approval, the owner shall convey to the City, at its own expense, a stratified easement(s) along the surface of the lands, to the satisfaction of the City Solicitor, which will be provided and shall constitute the privately-owned publicly accessible space and any required public access easements to connect the privately-owned publicly accessible space to adjacent privately-owned publicly accessible space and/or public rights-of-way, where necessary; and the owner shall own, operate, maintain and repair the privately-owned publicly accessible space and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the privately-owned publicly accessible space at all times of the day and night, 365 days of the year; and the specific location, configuration and design of the privately-owned publicly accessible space shall be determined in the

context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City;

- e. the owner shall provide a brick or masonry finish to the podium to the satisfaction of the Chief Planner and Executive Director, City Planning;
- f. the owner shall locate a portion of the outdoor amenity space on the ground floor adjacent to the proposed privately-owned publically-accessible open space as per the Site Plan and Ground Floor Plan dated September 30, 2020 to the satisfaction of the Chief Planner and Executive Director, City Planning;
- g. the owner shall provide a 4.0-metre front yard setback area of predominately soft landscaping to the satisfaction of the Chief Planner and Executive Director, City Planning;
- h. City Council acknowledge that the off-site Parkland Dedication fully satisfies the parkland dedication requirement and approve a development charge against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation; the development charge credit shall be in an amount that is the lesser of the costs to the owner of design and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time; and
- i. City Council require that prior to the issuance of the first above-grade building permit on the 65-83 Raglan site, the entirety of the properties municipally known as 1528 and 1530 Bathurst Street of approximately 479 square metres in size will be conveyed to the City of Toronto for Parks purposes, free of encumbrances (other than municipal and Hydro encumbrances), to the satisfaction of the General Manager, Parks, Forestry and Recreation; at the time of conveyance, any buildings currently located on the Future Park Lands shall have been demolished and the land shall be in a graded and in standard base park condition. A Letter of Credit may be provided by the owner for the value of base park improvements prior to the issuance of the first above-grade building permit.

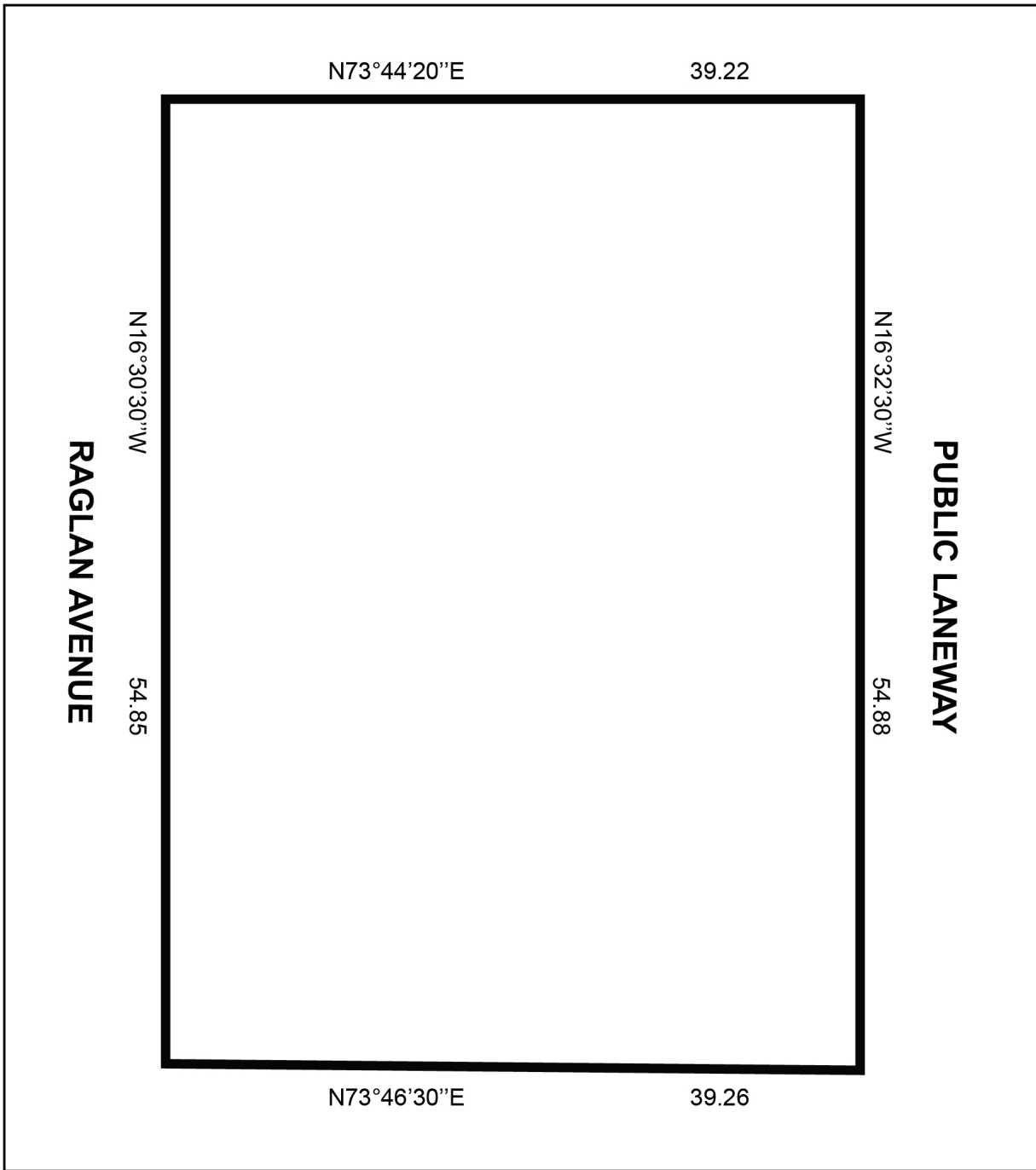


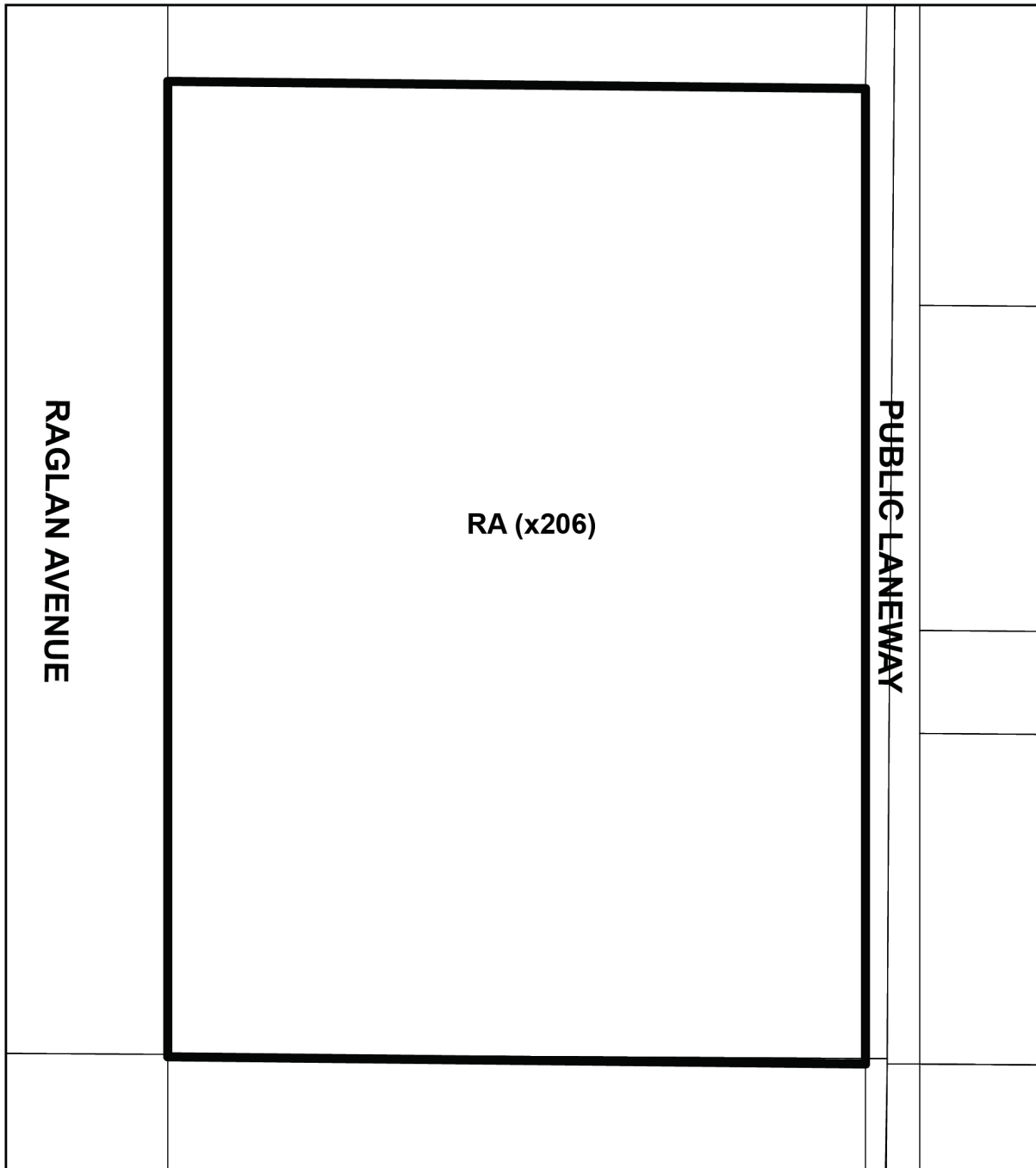

Diagram 1

65 - 83 Raglan Avenue, Toronto

File # 19 137322 STE 12 0Z

All dimensions in metres


City of Toronto By-law 569-2013
Not to Scale



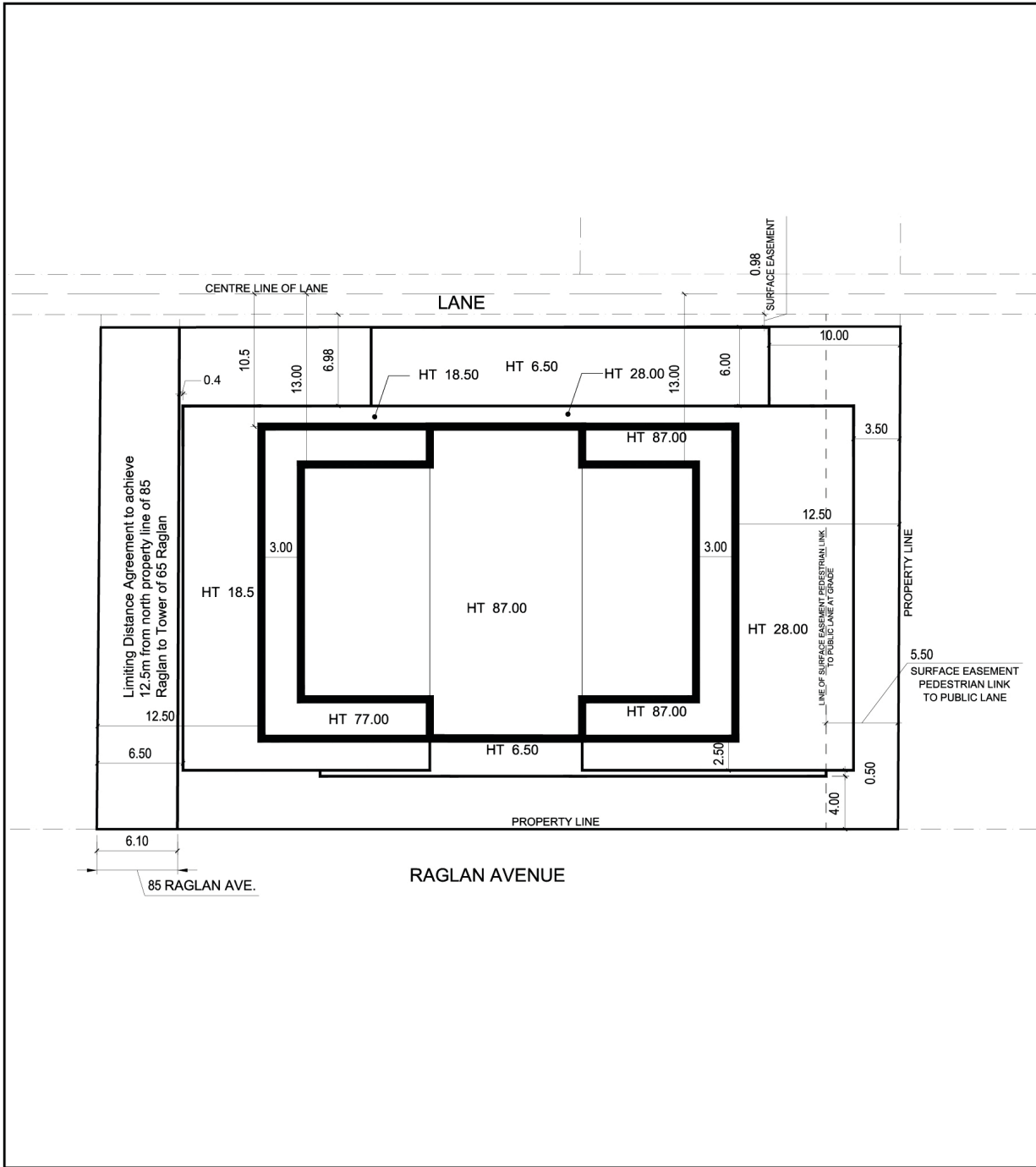
 **TORONTO**
Diagram 2

65 - 83 Raglan Avenue, Toronto

File # 19 137322 STE 12 0Z

All dimensions in metres


City of Toronto By-law 569-2013
Not to Scale



 **TORONTO**
Diagram 3

65 - 83 Raglan Avenue, Toronto

File # 19 137322 STE 12 OZ

All dimensions in metres

City of Toronto By-law 569-2013
Not to Scale

