

Authority: Ontario Land Tribunal Decision and Order issued on August 17, 2022, and Effective Date being August 11, 2022 in Tribunal File PL210236

CITY OF TORONTO

BY-LAW 1173-2022(OLT)

To amend former City of York Zoning By-law 1-83, as amended, and former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2021 as 10-32 Raglan Avenue.

Whereas the Ontario Land Tribunal, by its Decision and its Order issued on August 17, 2022 and the effective date being August 11, 2022 in OLT Case PL210236, approved amendments to the City of Toronto Zoning By-law 1-83, as amended, with respect to the lands municipally known as 10-32 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to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge by-law and this by-law was passed prior to that date; and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 the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 1-83 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 1-83, of the former City of York, is further amended by The Ontario Land Tribunal orders as follows:

1. District Map 49J323a and 49J323b of By-law 438-86, as amended, are further amended by removing the lands delineated by heavy lines on "Schedule A" attached and forming part of this By-law.

2. District Map 15 of By-law 1-83, as amended, is amended by incorporating the lands delineated by heavy lines on Schedule A attached and forming part of this By-law.
3. District Map 15 of By-law 1-83, as amended, is further amended by deleting the zoning that applies to the lands delineated by heavy lines on Schedule B attached and forming part of this By-law and zoning those lands RM2 – Residential Multiple Zone and Section 16 (470) and G as shown on Schedule B attached and forming part of this By-law.
4. That Section 16 General Exceptions of former City of York By-law 1-83, as amended, be further amended by adding a new subsection (470) as follows:

16 (470) LANDS: 10-32 RAGLAN AVENUE

Notwithstanding the provisions of former City of York Zoning By-law 1-83, the lands zoned RM2 on Schedule B attached to and forming part of this By-law, and municipally known as 10-32 Raglan Avenue in the year 2021, may be used for the purposes of an apartment house building, home occupations, take-out eating establishment, retail store, community centre or club, within a mixed-use building, subject to the following provisions:

MAXIMUM GROSS FLOOR AREA

- (A) The maximum permitted gross floor area on the lot shall be 29,665 square metres, of which:
 - (i) the permitted maximum gross floor area for residential uses is 29,400 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 of interior floor area, located on the ground floor, must be a community centre or club;
 - (iii) the required minimum interior floor area for a retail store or take-out eating establishment is 8.0 square metres, which must be located on the ground floor of the building;

DWELLING UNITS

- (B) A minimum of 10 percent of the dwelling units in the building must be 3 bedroom or greater dwelling units;
- (C) Home occupations within dwelling units are permitted to:
 - (i) sell, rent or lease physical goods directly from the dwelling unit;

- (ii) include a personal service shop including but not limited to a barber, hairdresser, beautician, dressmaker, seamstress, or tailor;
 - (iii) include an art gallery, artist studio, custom workshop, education use, massage therapy, day nursery, eating establishment, retail store, retail service, and take-out eating establishment if located within a dwelling unit located on the ground floor of the building;
 - (iv) be an office or medical office for a professional regulated under the College of Physicians and Surgeons of Ontario or Regulated Health Professions Act, 1991, S.O. 1991, c. 18 , as amended;
 - (v) have clients or customers attending the premises for consultations, receiving of services, or obtaining physical goods;
 - (vi) have outdoor activities, services, a service window, or displays, provided they are limit to 20 percent of the interior floor area of the home occupation they are ancillary to, and do not include open outdoor storage;
 - (vii) have employees working in the dwelling unit who are not the business operator provided the home occupation is located on the ground floor of the building;
- (D) The floor area of a home occupation may not exceed the lesser of 50 percent of the total interior floor area of the dwelling unit the home occupation is located in or 100 square metres;
- (E) A home occupation is not permitted to contain an obnoxious use;

BUILDING HEIGHT

- (F) 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, except for the following elements which may exceed the permitted maximum height:
- i. mechanical penthouse, mechanical structures or elements, cooling tower, generator and mechanical equipment, flues, stair overruns, elevator overruns, by a maximum of 6.0 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, wind screens, trellises and fences, by a maximum of 4.0 metres;

- 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, public art features, telecommunications equipment and antennae, window washing equipment, stair towers, stair enclosures and pop-ups, partitions dividing outdoor recreation areas, 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 5.0 metres;

- (G) No maximum height in storeys applies to a building or structure;

YARD SETBACKS

- (H) The minimum yard setbacks shall be shown on "Schedule C" attached to and forming part of this By-law except that the following elements may encroach into the required minimum building setbacks and main wall separation distances as follows:

- (i) Cornices, lighting fixtures, window washing equipment, awnings, canopies, finials, parapets, terraces, terrace guards, platforms, ornamental or architectural elements, masonry elements, fins, 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, by a maximum of 3.0 metres;

LANDSCAPING

- (I) landscaping must be provided in accordance with the following:
 - (i) A minimum of 15 percent of the area of the lot is required to be landscaping; and
 - (ii) A minimum of 10 percent of the landscaping area required in (i) above, is required to be comprised of soft landscaping;

PARKING

- (J) Parking spaces shall be a minimum of 2.6 metres wide, a minimum of 5.6 metres long, and a minimum of 2.0 metre height, 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, except that:

- (i) a maximum of 10 parking spaces may have a minimum width of 2.4 metres, a minimum length of 5.4 metres, and a minimum height of 1.7 metres, with or without obstructions;
- (K) Vehicles parking spaces shall be provided on the lot in accordance with the following standards:
- (i) A minimum of 0.29 parking spaces per dwelling unit for residents, up to a maximum of 116 parking spaces, of which 6 must be accessible parking spaces located within 16 metres of a barrier-free entrance to the building or passenger elevator that provides access to the ground floor of the building;
 - (ii) The minimum required parking spaces for residents may be reduced by up to 4 parking spaces for each "car-share parking space" provided on the lot;
 - (iii) A minimum of 6 visitor parking spaces;
 - (iv) No parking spaces are required for non-residential uses;
 - (v) In the event that the calculation of the number of required parking spaces results in a number with a fraction, the number is rounded down to the nearest whole number;
 - (vi) Accessible parking spaces must have the following minimum dimensions:
 - (i) length of 5.6 metres;
 - (ii) width of 3.9 metres; and
 - (iii) vertical clearance of 2.1 metres;
 - (vii) 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;

BICYCLE PARKING

- (L) Bicycle parking spaces, and shall be provided on the lot as follows:
- (i) A minimum of 0.9 long-term bicycle parking spaces for each dwelling unit;
 - (ii) A minimum of 0.1 short-term bicycle parking spaces for each dwelling unit;
 - (iii) No bicycle parking spaces are required for non-residential uses;

- (iv) Bicycle parking spaces shall have the following minimum dimensions:
 - (a) minimum length of 1.8 metres;
 - (b) minimum width of 0.6 metres; and
 - (c) minimum vertical clearance from the ground of 1.9 metres; and
- (v) Bicycle parking spaces may be provided as stacked bicycle parking spaces; and
- (vi) If a stacked bicycle parking space is provided in a mechanical device 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 and the minimum vertical clearance for each stacked bicycle parking space is 1.0 metres;

LOADING SPACE

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

AMENITY SPACE

- (N) Amenity space shall be provided on the lot in accordance with the following:
 - (i) at least 2.0 square metres for each dwelling unit as indoor amenity space, and which for the purpose of this exception, may include guest suites;
 - (ii) at least 565 square metres as outdoor amenity space;
 - (iii) a maximum of 25 percent of the outdoor component may be a green roof;

LEASING PRESENTATION CENTRE

- (O) None of the provisions of By-law 1-83 shall apply to prevent a temporary sales/leasing 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:
 - (i) the building or structure is limited to a maximum of one storey or 6.0 metres;

SEVERANCE

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

DEFINITIONS

- (Q) 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, 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;
 - (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, and a club is not a community centre;
 - (vi) "club" means premises operated by members of a non-profit organization that maintains formal membership and generally limits attendance at meetings to members, used for meetings and gatherings for social, cultural, recreational, charitable or community service purposes; and a community centre is not a club;
 - (vii) "established grade" means an elevation of 159.57 metres Canadian Geodetic Datum;
 - (viii) "green roof" means an extension to a building's roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained in compliance with the Toronto Green Roof Construction Standard set out in Chapter 492 of the City of Toronto Municipal Code;
 - (ix) "height" means the vertical distance between established grade and the highest point of a building or structure;
 - (x) "*lot*" shall mean the lands delineated by heavy lines on the attached Schedule B to this By-law;

- (xi) "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 and loading below established grade;
 - (b) Loading spaces at ground;
 - (c) Rooms exclusively containing bicycle parking spaces;
 - (d) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms;
 - (e) Required and Surplus amenity space; and
 - (f) Elevator shafts;
 - (g) mechanical penthouses; and
 - (h) exit stairwells in the building;
- (xii) "obnoxious use" means the use of premises in a manner that is offensive through the creation or transmission of noise, vibration, illumination, emissions, fumes, odour, dust or radiation, or any combination of these, beyond any lot lines of the premises;
- (xiii) "stacked bicycle parking space" means a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces;
- (xiv) "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.

OTHER PROVISIONS

- 5. 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.

INCREASE HEIGHT AND DENSITY

- 6. Section 37 Requirements:
 - a. Pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18

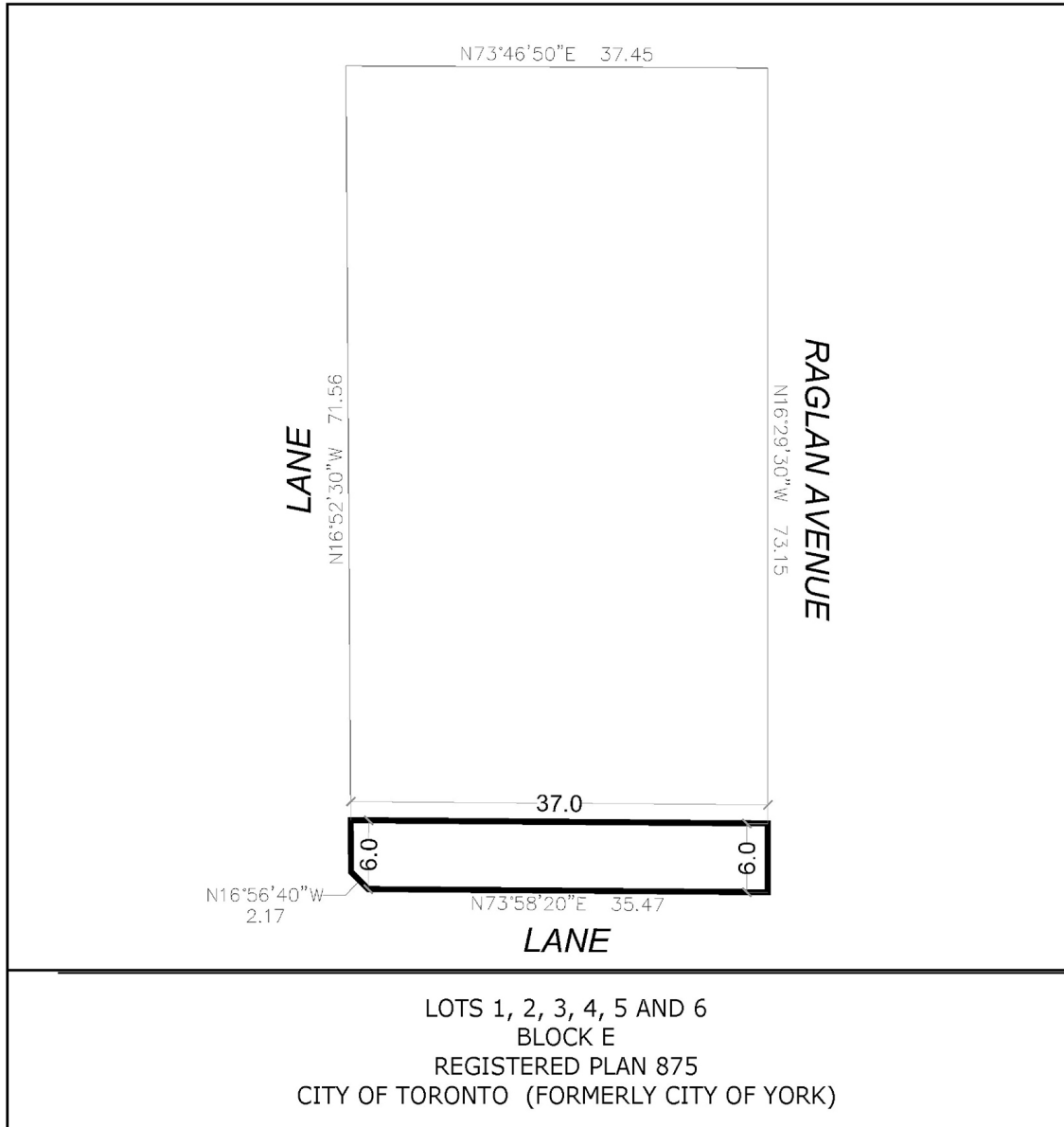
came into force, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule B in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule 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.

Pursuant to the Ontario Land Tribunal Decision and Order dated August 17, 2022 and Effective Date being August 11, 2022 in Tribunal Case PL210236.



Schedule A By-law Number 1173-2022
and to Section 16 (470) of Zoning By-law 1-83, as amended



TORONTO
Schedule A

10 - 32 Raglan Avenue

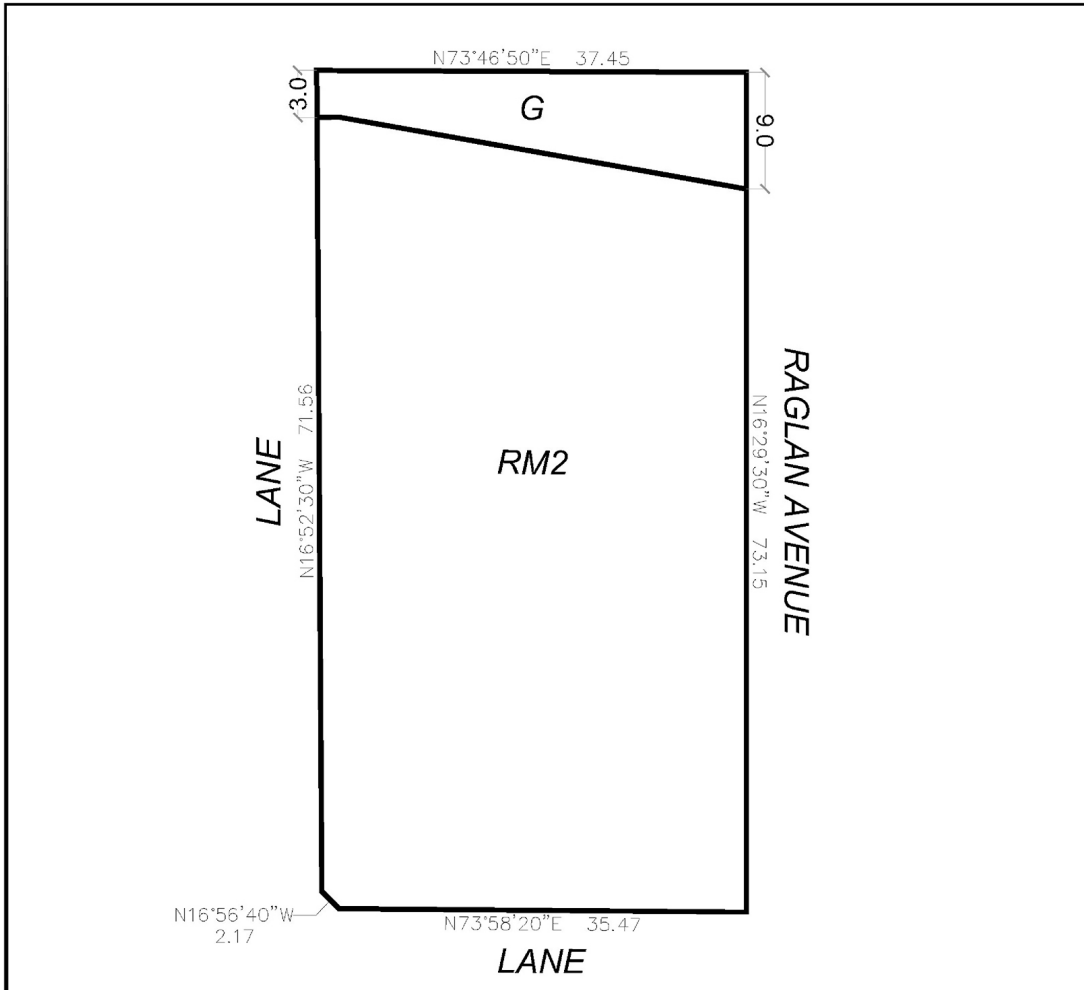
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Former City of York By-law 1-83
Not to Scale



Schedule B By-law Number 1173-2022
and to Section 16 (470) of Zoning By-law 1-83, as amended



LOTS 1, 2, 3, 4, 5 AND 6
BLOCK E
REGISTERED PLAN 875
CITY OF TORONTO (FORMERLY CITY OF YORK)



10 - 32 Raglan Avenue

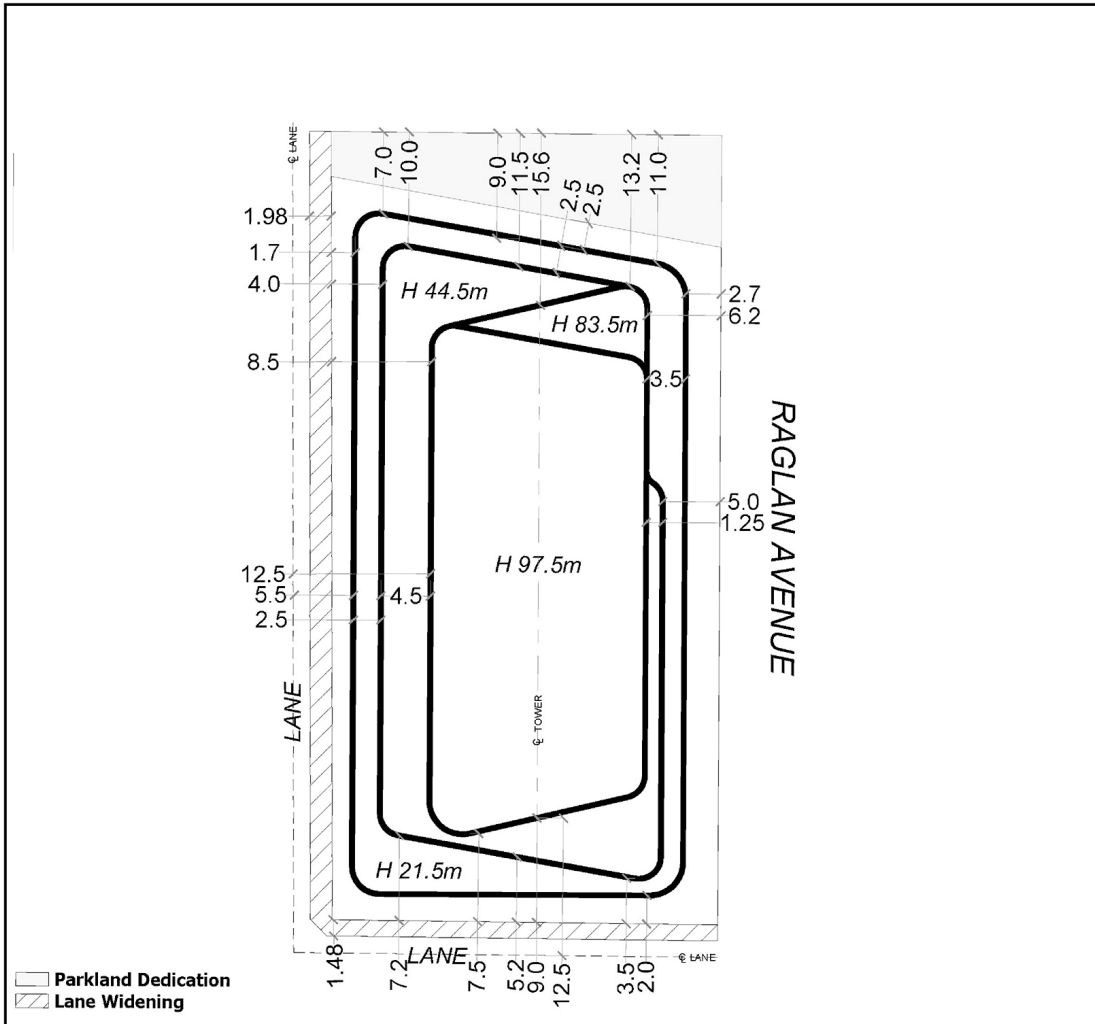
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Former City of York By-law 1-83
Not to Scale



Schedule C By-law Number 1173-2022
and to Section 16 (470) of Zoning By-law 1-83, as amended



LOTS 1, 2, 3, 4, 5 AND 6
BLOCK E
REGISTERED PLAN 875
CITY OF TORONTO (FORMERLY CITY OF YORK)

TORONTO
Schedule C

10 - 32 Raglan Avenue

File # 20 155716 STE 12 0Z



Former City of York By-law 1-83
Not to Scale

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 B and C 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 shall design, construct and convey to the City, in an acceptable environmental condition, at no cost to the City, a Community Agency Space of approximately 245.8 square metres, located on the ground floor in accordance with the Section 37 Agreement, and subject to the following:
 - a) the Community Agency Space shall be delivered to the City in accordance with the City's Community Space Tenancy Policy and finished to Base Building Conditions, with the terms and specifications to be secured in the Section 37 Agreement and the Community Space Term Sheet, all satisfactory to the Executive Director, Social Development, Finance and Administration, the Executive Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning, and the City Solicitor;
 - b) the Community Space Term Sheet, referenced in Subsection 2 a), above, and specifications for the community space will include negotiation of the following matters:
 - i. the City and future tenant(s) will be solely responsible for the costs of any signage on the exterior of or within the community space, with the Owner agreeing to provide structural support and electrical conduit(s) to the City for installation of such signage at a later date;
 - ii. the Owner will provide a sub-metered connection to the building heating and cooling system, as well as HVAC and venting, required to achieve non-residential occupancy requirements of the Ontario Building Code;
 - iii. an acoustic ceiling to be installed by the City and/or any future tenant as per the specifications of the Owner;
 - iv. the Owner and the City agree that concrete floors will be non-finished concrete within ¼-inch flatness over ten (10) feet;
 - v. all ancillary uses for the community space, such as garbage and bicycle storage, will be addressed within the footprint of the community space;

- vi. the Owner agrees to provide a second door to the rear laneway;
 - vii. the Owner, in its sole discretion, shall determine the finish level of the above-noted community space, which shall include landscaping pavers adjacent to the public park and landscaping in accordance with site plan approval requirements along Raglan Avenue, with no additional finishes and/or property delineation required adjacent to the public park; and
 - viii. the Owner shall provide the City with access to one (1) visitor vehicle parking space on a first-come/first-served basis at all times, with no individual car permitted to park for longer than eighteen (18) hours in any continuous period, and with a requirement for any user of such visitor vehicle parking space to attain a parking permit (if available) and check-in with building security;
- c) the Base Building Conditions, referenced in Subsection 2(a), above, shall include a kitchen, single washroom and janitor's closet, provided that the owner, in its sole discretion, working with its architect and engineer, and acknowledging the demand and intended use of the Community Agency Space, will determine the location and design/layout of the kitchen, single washroom and janitor's closet (with the owner retaining sole discretion for material, fixture and appliance selection) and the size and location for the stubbed utility connections, location of the base building lighting required for non-residential occupancy under the Ontario Building Code, and the location of all electrical outlets and telecom conduits;
 - d) prior to the issuance of the first above-grade building permit, a cash payment of \$400,000, to be allocated for future capital improvements to the Community Agency Space located at the lands, in addition to the base building improvements as outlined below, at the discretion of the Chief Planner and Executive Director, City Planning;
 - e) a pedestrian surface easement of approximately 136.3 square metres, secured as a public pedestrian walkway, to be registered on title of the future condominium for the exclusive use and enjoyment of any tenant and/or users of the Community Agency Space, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - f) prior to the issuance of the first above-grade building permit, the Owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and conveyance of the Community Agency Space and the pedestrian surface easement 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;

3. Prior to the issuance of the first above-grade building permit, the Owner shall provide a cash payment of \$100,000, to be allocated by the Chief Planner and Executive Director, City Planning for use by the City for local area roadway improvements in the vicinity of the lands.
4. Prior to the issuance of the first above-grade building permit, the Owner shall provide a cash payment of \$50,000, to be allocated for a bike share station in the vicinity of the lands.
5. The Owner shall convey to the City a new public park of approximately 252.4 square metres, for nominal consideration to the City, in a condition satisfactory to the General Manager, Parks, Forestry and Recreation, free and clear of all physical encroachments and obstructions above and below grade and not encumbered by any easements or interests in land above and below grade, in accordance with all City policies in respect of the environmental condition of lands conveyed to the City, in accordance with the Section 37 Agreement.
6. The Owner shall provide the following, as matters of legal convenience to support the development:
 - a) The design, construction, and installation of pedestrian lighting, owned and operated by the Owner, for the east-west and north-south laneway surfaces along the lands, which shall be secured through the site plan approval process, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - b) the provision of micro-retail space, which shall be secured through the site plan approval process, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - c) submission of the required Rental Housing Demolition application under City of Toronto Municipal Code Chapter 667 to demolish the existing residential dwelling units at the lands, and that the Owner ensure that the demolition of the existing buildings will be processed pursuant to Section 363-6.2 of City of Toronto Municipal Code Chapter 363; and
 - d) the provision of four (4) live/work units that front onto the east-west public lane to the south of the lands, which shall be secured through the site plan approval process, to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - e) the provision of a minimum of ten-percent (10%) three (3)-bedroom units.