

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 1174-2022(OLT)

To amend Zoning By-law 569-2013, 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 569-2013, as amended, with respect to the lands municipally known in the year 2021 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to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge by-law and this by-law was passed prior to that date; and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 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 A of this By-law in return for the increase in height and density permitted on the aforesaid lands by By-law 569-2013, as amended; and

Whereas Schedule A 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 Ontario Land Tribunal orders as follows:

1. The lands subject to this By-law are outlined in heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone labels on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to RA (x209) and OR 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 209 to Section 900.7.10 so that it reads:

Exception RA 209

The lands, or a portion therefore as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On 10-32 Raglan Avenue, if the requirements of the By-law 1174-2022(OLT) are complied with, a **building** or **structure**, may be constructed, used or enlarged in compliance with regulations (B) to (AA) below;
- (B) Despite Regulation 15.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 159.57 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulations 15.5.40.10(2) to (6) and 15.10.40.10(1)(A), no portion of any **building** or **structure** on the **lot** shall have a height in metres greater than the height limits specified in metres by the numbers following the symbol HT on Diagram 3 of By-law 1174-2022(OLT), 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;
- (D) Regulation 15.10.40.10(2)(A), regarding permitted maximum **storeys**, does not apply;
- (E) Despite Regulation 15.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 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**;
- (F) In addition to the elements which reduce **gross floor area** in an **apartment building** listed in Regulation 15.5.40.40(1), **gross floor area** is also reduced by storage rooms, rooms exclusively containing **bicycle parking spaces**, and surplus **amenity space**;
- (G) A minimum of 10 percent of the **dwelling units** in the **building** must be 3 bedroom or greater **dwelling units**;
- (H) 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** 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**;

- (I) Despite Clauses 15.10.40.70 and 15.10.40.80, the required minimum **building setbacks** and distances between **main walls** are as shown in metres on Diagram 3 of By-law 1174-2022(OLT);
- (J) Despite Clause 15.5.40.60, and (I) above, 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;
- (K) Despite Regulation 15.5.50.10(1), **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**;
- (L) Despite 15.10.20.100(2), a **community centre** or a library is not required to be on a **lot** that abuts a **major street** on the Policy Areas Overlay Map;
- (M) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided on the **lot** in accordance with the following rates:
- 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**;
 - 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**; and
 - a. for the purpose of this exception, "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; and

- b. "car-share parking space" means a **parking space** that is exclusively reserved and actively used for "car-share";
 - 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;
- (N) Despite Regulation 200.5.1.10(2), 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;
- (O) Despite Regulation 200.5.1.10(12)(C), the requirement for a minimum **setback** for a vehicle entrance and exit from the **lot line** abutting the **street** does not apply;
- (P) Despite Regulation 200.15.1(4) and By-law 579-2017, accessible **parking spaces** must be located within 16.0 metres of a barrier free entrance to the **building** or passenger elevator that provides access to the ground floor of the **building**;
- (Q) Despite Regulation 230.5.10.1(1), no **bicycle parking spaces** are required for non-residential uses;
- (R) Despite Regulation 230.5.1.10(4), 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;
- (S) Despite Regulation 230.5.1.10(10), both a "short-term" and "long-term" **bicycle parking space** may be located in a **stacked bicycle parking space**;
- (T) Despite regulations 150.5.20.1(1)(A)(B) and (D), a **home occupation** is permitted to:
- i. sell, rent or lease physical goods directly from the **dwelling unit**;
 - ii. be a **personal service shop**;
 - iii. be an office or medical office for a professional regulated under the Regulated Health Professions Act, 1991, S.O. 1991, c. 18 , as amended;

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- (U) Despite Regulation 150.5.20.1(2), a **home occupation** is permitted to have clients or customers attending the **premises** for:
- i. consultations;
 - ii. receiving services; or
 - iii. obtaining physical goods;
- (V) Despite regulation 150.5.20.1(3), a **home occupation** is permitted to have outdoor activities, services, a service window, or displays, provided they are limited to 20 percent of the **interior floor area** of the **home occupation** it is **ancillary** to; and
- i. **open storage** is not permitted;
- (W) Despite regulation 150.5.20.1(6), a **home occupation** is permitted to 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**;
- (X) For the purpose of this exception, regulations 150.5.20.1(7) and (8) also apply to the RA zone.
- (Y) Despite regulation 150.5.40.40(1), the floor area for a **home occupation** may not exceed the lesser of:
- i. 50 percent of the total **interior floor area** of the **dwelling unit** the **home occupation** is located in; or
 - ii. 100 square metres;
- (Z) For the purpose of this exception, a **home occupation** is not permitted to contain an **obnoxious use**;
- (AA) Despite regulations 150.5.20.1(1), 15.10.20.100(13), and in addition to the permitted uses listed in Clause 15.10.20.10 and 15.10.20.20, an **art gallery, artist studio, custom workshop, education use, massage therapy, day nursery, eating establishment, retail store, retail service, and take-out eating establishment** are also permitted in a **home occupation** located within a **dwelling unit** located on the ground floor of the **building**.

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):

- i. 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:
 - a. the **building** or **structure** is limited to a maximum of one **storey** or 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 Diagram 3 of 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 hereof 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 prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- c. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule A 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
Section 37 Provisions

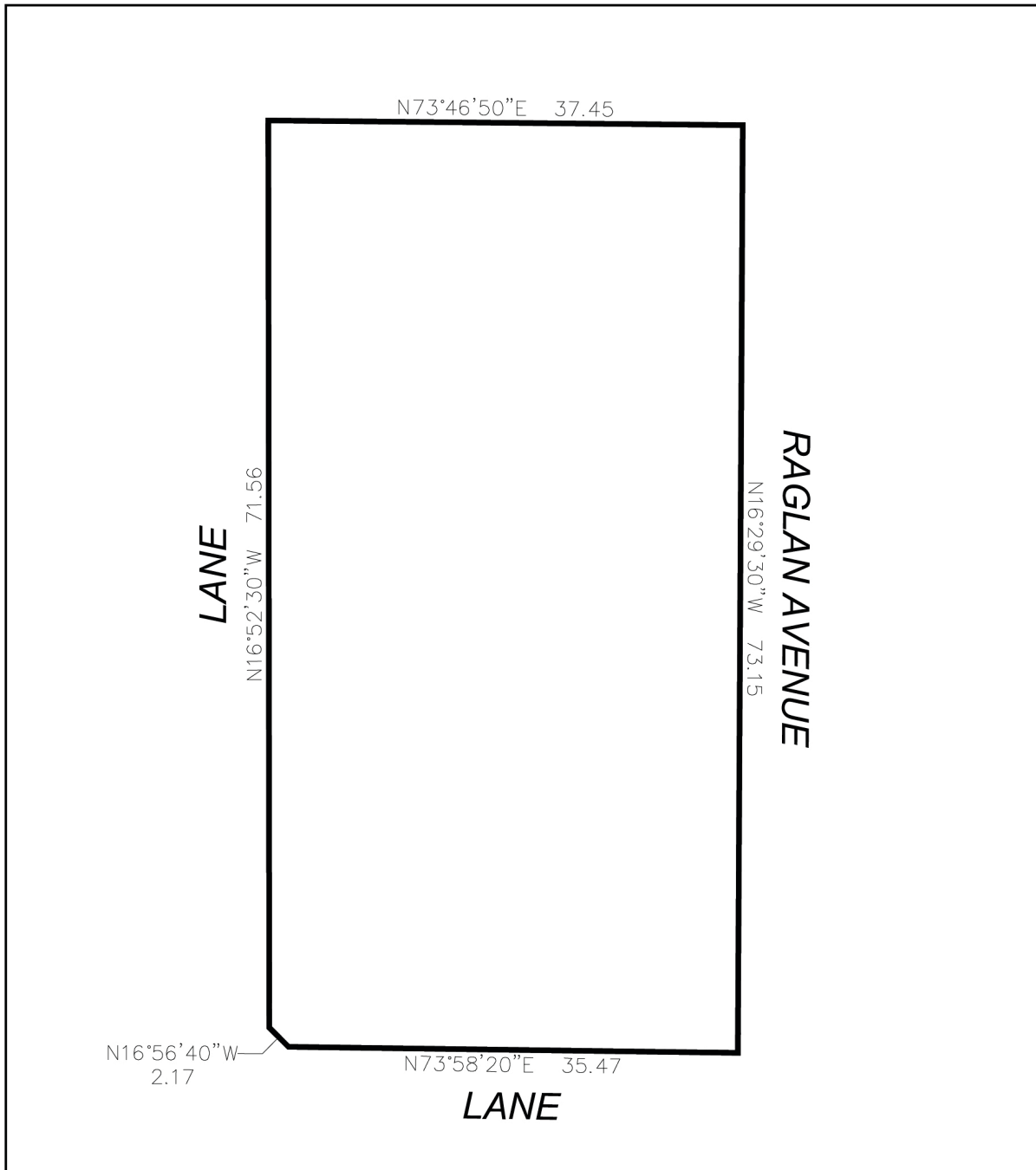
The facilities, services and matters set out below are required to be provided to the City at the Owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagrams 2 and 3 in this By-law and secured in an agreement or agreements under Section 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 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.

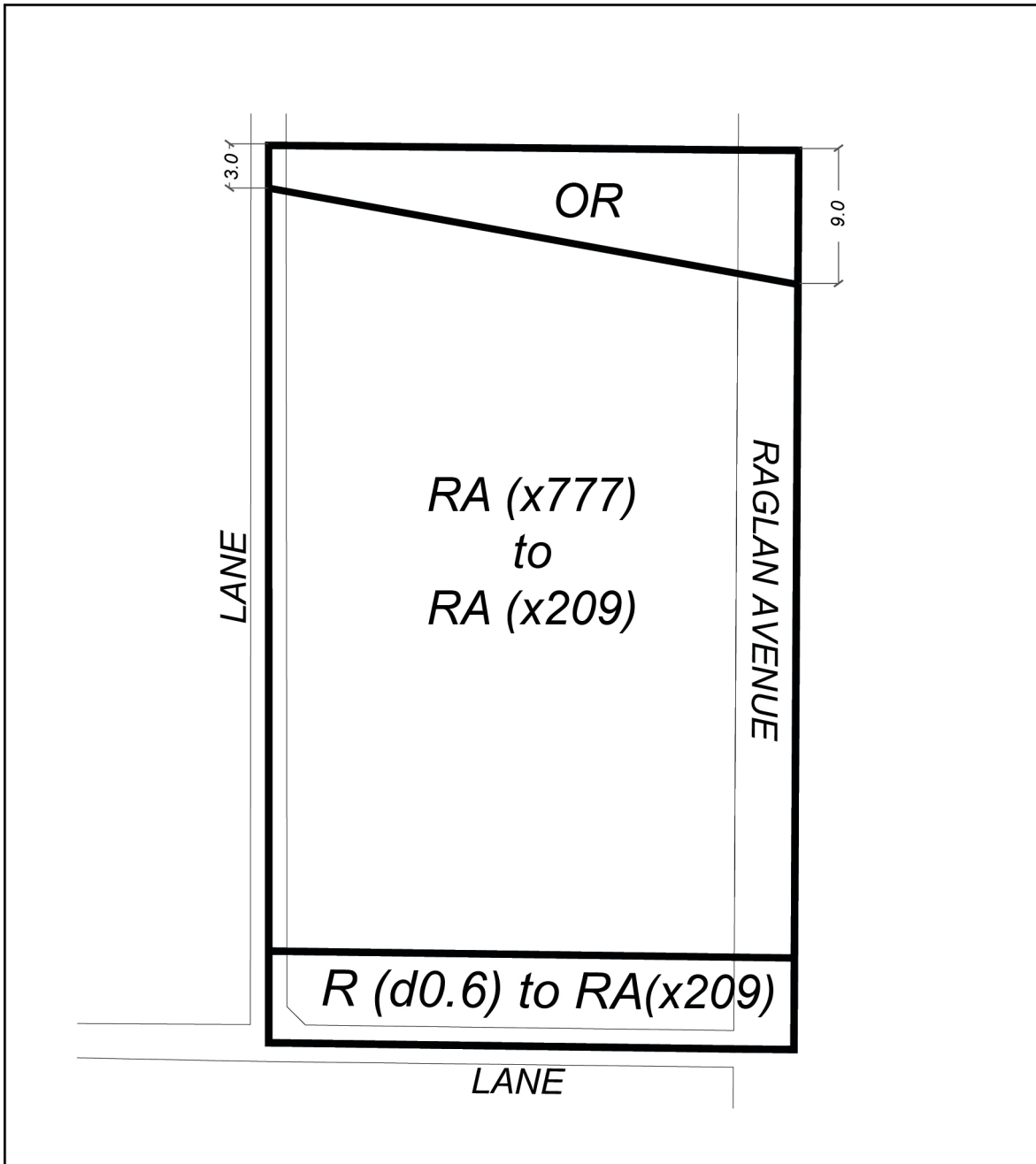


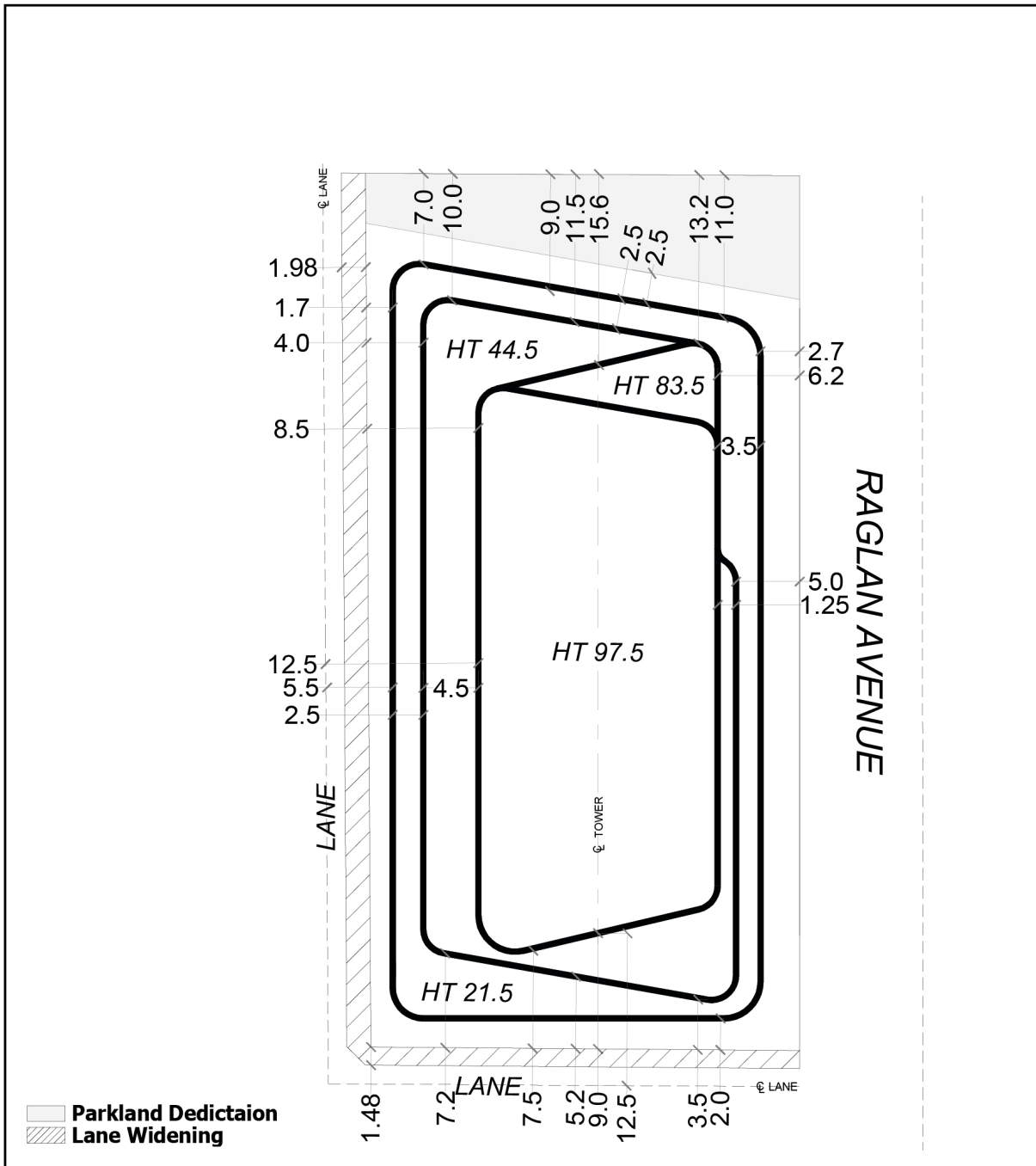
 **TORONTO**
Diagram 1

10 - 32 Raglan Avenue

File # 20 155716 STE 12 0Z







 **TORONTO**
Diagram 3

10 - 32 Raglan Avenue, Toronto

File # 20 155716 STE 12 OZ

