



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

5-15 Raglan Avenue – Zoning By-law Amendment Application - Ontario Land Tribunal Hearing - Request for Further Directions

Date: January 24, 2023

To: City Council

From: City Solicitor

Wards: Ward 12 – Toronto-St. Paul's

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding litigation.

SUMMARY

The purpose of this report is to request further instructions for a hearing scheduled to commence on April 03, 2023 before the Ontario Land Tribunal (the "**OLT**" or "**Tribunal**").

On January 16, 2023, the City Solicitor received a With Prejudice Settlement Offer from the Applicant's solicitors, Devine Park LLP (the "**With Prejudice Settlement Offer**" or "**Settlement Offer**"). The With Prejudice Settlement Offer proposes to settle the OLT Appeal of the Applicant's rezoning application on the basis of revised plans prepared by Richmond Architects Ltd., dated December 23, 2022, inclusive (the "**Revised Plans**"). This package constitutes the Applicant's revised proposal (the "**Revised Proposal**").

Raglan Development Corp. (the "**Applicant**" or "**Owner**") has applied for a Zoning By-law Amendment (the "**Application**") for the property municipally known as 5 – 15 Raglan Avenue (the "**Site**" or "**Subject Site**").

On November 1, 2021, the Applicant submitted an Application to amend Zoning By-laws 1-83 and 569-2013 for the Site in order to permit a 24-storey (78.7 metres including mechanical penthouse) residential building consisting of 170 dwelling units, with a step-back at the fifth floor to create a four-storey streetwall along Raglan Avenue, and a density of 10.2 times the area of the lot (the "**Original Proposal**"). At the same time, the Applicant submitted a Site Plan Control application to the City for approval (the "**Site Plan Application**"). A Rental Housing Demolition application was also submitted to permit the demolition of 3 rental dwelling units on the Site (the "**Rental Housing Demolition Application**").

On May 4, 2022 the Applicant appealed the Application to the OLT for non-decision by City Council within the timeframe prescribed under the *Planning Act* (the "**Appeal**"). The Applicant also appealed the Site Plan Control Application to the OLT as a result of the City's failure to approve the site plan drawings and plans within the timeframe prescribed under the *City of Toronto Act*.

The City Solicitor requires further instructions at the upcoming City Council meeting on February 7, 2023 due to upcoming disclosure deadlines regarding the hearing for this Appeal.

DESCRIPTION OF THE REVISED PROPOSAL

Land Use

The site is designated *Apartment Neighbourhoods* as shown on Map 17 of the Official Plan.

The site is subject to Site and Area Specific Policy 38 ("SASP 38") which applies to lands along Raglan Avenue, south of Claxton Boulevard and north of St. Clair Avenue West. This policy states that land assembly will be required to allow for the development of more intensive buildings.

Former City of York Zoning By-law 1-83 applies to 11 Raglan Avenue only. The property is zoned Residential Multiple RM2 with a height limit of 24 metres or 8-storeys. This zoning regulation permits residential uses in a wide range of residential building types including an apartment building. Other permitted uses include home occupation uses, and a retail store with certain limitations.

City of Toronto Zoning By-law 569-2013 applies to the remainder of the site. A portion of the site (5-7 Raglan Avenue) is zoned Residential R(d0.6) with a height limit of 12 metres and the other portion (9,13 and 15 Raglan Avenue) is zoned RA (x 777) which provides a height limit of 24 metres or 8-storeys. Both zoning classifications permit residential uses in a wide range of residential building types including an apartment building. Other permitted uses include home occupation uses, and a retail store with certain limitations.

The site is also situated within the St. Clair Avenue West and Bathurst Street Planning Framework area (the "Planning Framework"), which is a Council-adopted document that is intended to guide future development through a series of planning principles. The Planning Framework places this site within the Raglan Transition Zone and identifies built form principles and special public realm features.

The Revised Proposal includes, among other things described in detail below, a mixed-use building consisting of a revised overall height of 28 storeys (95.2 metres tall) which is increased from 24 storeys (78.7 metres tall) in order to provide for greater setbacks and stepbacks; increased tower setbacks to the south and the west lot lines; increased tower step-backs; increased setbacks at the ground level along Raglan Avenue; restriction of projecting balconies on the tower; inclusion of residential units at ground level with expanded home occupation permissions (live/work units); a new retail unit at

grade; increased outdoor and indoor amenity space; and four new street trees. The Floor Space Index ("FSI") has remained relatively unchanged with a minor increase from 10.19 times the lot area to 10.71 times the lot area.

The following table provides a summary of the development statistics for the original proposal of October 28, 2020, and the Revised Plans, dated, December 23, 2022.

Category	Original Proposal October 28, 2020	Revised Plans December 23, 2022
Building Height (storeys)	24	28
Building Height (metres) (including mechanical penthouse)	78.7	95.2
Gross Floor Area (square metres)	Residential: 14,667 Non-residential: 0.00 Total: 14,667	Residential: 15,391.2 Non-residential: 16 Total: 15,407.2
Floor Space Index	10.19 times the lot area	10.71 times the lot area
Dwelling Units	1-Bedroom: 41 (24 percent) 2-Bedroom: 106 (62 percent) 3-Bedroom: 23 (14 percent) Total: 170	1-Bedroom: 135 (64.3 percent) 2-Bedroom: 47 (22.4 percent) 3-Bedroom: 26 (12.4 percent) Live/Work Units: 2 (0.9 percent) Total: 210
Amenity Space (square metres)	Indoor: 345.6 Outdoor: 437.8 Total: 783.4	Indoor: 459 Outdoor: 511 Total: 970
Vehicle Parking	Residential: 70 Non-res./Visitor: 7 Car Share: 1 Total: 78 Ratio: 0.39/unit	Residential: 66 Visitor: 12 Car Share: 1 Total: 78 Ratio: 0.31/unit
Bicycle Parking	Long-term: 153 Short-term: 18 Total: 171	Long-term: 220 Short-term: 18 Total: 238
Loading	1 Type 'G'	1 Type 'G'

Additional components of the Revised Proposal consist of the following: the Applicant will be paying the community benefits charge of 4 percent (of the land value the day before the day the first building permit is issued) pursuant to Section 37 of the *Planning Act*; a cash-in-lieu payment pursuant to the City's parkland dedication by-law, as amended; and the Applicant will continue to work with City staff to finalize the site plan application.

A copy of the With Prejudice Settlement Offer letter can be found in Appendix 1 to this Solicitor's Report. A copy of the Revised Plans can be found in Appendix 2 to this Solicitor's Report. The Revised Proposal is described in further detail in the "Staff Comments" section of this Solicitor's Report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in the Confidential Attachment 1 to this report from the City Solicitor.
2. If the City Solicitor's confidential recommendations are adopted by City Council, City Council authorize the public release of the confidential instructions contained in Confidential Attachment 1 to this report from the City Solicitor.
3. City Council direct that the balance of Confidential Attachment 1 to this report from the City Solicitor remain confidential at the discretion of the City Solicitor, as it contains advice and information that is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

DECISION HISTORY

On February 16, 2022, Toronto and East York Community Council considered and adopted the recommendations of a Preliminary Report from City Planning regarding the Application as Item TE 31.40. In its decision, Community Council authorized City staff to conduct a community consultation meeting, with an expanded notification area, regarding the Application. The Preliminary Report and Community Council's decision can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.TE31.40>

On December 14, 2022, City Council considered and adopted the recommendations of the Request for Direction Report from the Director, Community Planning, Toronto and East York District, dated November 1, 2022. At that time, key concerns included the proposed setbacks of the proposed tower and podium to the existing buildings and public streets and laneways as they relate to massing, streetscape and tree planting. In summary, those recommendations directed the City Solicitor and appropriate City staff

to attend the Ontario Land Tribunal in opposition to the current applications regarding the Zoning By-law Amendment and Site Plan Control appeals for the lands at 5-15 Raglan Avenue and to continue discussions with the applicant in an attempt to resolve outstanding issues. The Request for Direction Report and City Council's decision can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.TE1.5>

COMMENTS

The City Solicitor requires further instructions on this matter. This report is about ongoing litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege. The City Solicitor requires direction in this matter prior to the conclusion of the February 7, 2023 meeting of City Council.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 – Confidential Information from the City Solicitor
2. Appendix 1 – With Prejudice Settlement Offer dated January 16, 2023 for the lands municipally known as 5 – 15 Raglan Avenue
3. Appendix 2 - Revised Plans prepared by Richmond Architects Ltd., dated December 23, 2022