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August 19, 2019

Our File No.: 180145

With Prejudice

Planning & Administrative Tribunal Law
City of Toronto Legal Services
55 John Street, 26th Floor, Metro Hall
Toronto, ON M5V 3C6

Attention: Alexander Suriano

Dear Sirs/Mesdames:

**Re: LPAT Case No. PL180105 – 859 The Queensway
With Prejudice Submission**

We are solicitors for the Appellants in the above-noted matter. We are writing to provide a with prejudice submission regarding the proposed redevelopment of the lands known municipally as 859 The Queensway (the “**Property**”). Please note it is our client’s intention to seek approval of the Revised Plans, as defined below, at the hearing scheduled to commence on November 5, 2019.

As background, on September 22, 2017, our client submitted a rezoning application (the “**Application**”) to the City to permit the redevelopment of the Property as a 14-storey mixed-use building with an 8-storey base. The Application proposed approximately 228 residential units, 253 parking spaces and 1,149 square metres of at-grade commercial uses. On November 30, 2018, our client submitted revised plans as part of an application for site plan approval.

To our knowledge, there is no public staff report regarding the Application other than the Preliminary Report dated October 23, 2017; although we understand that, at its meeting commenced on February 26, 2019, City Council authorized the City Solicitor to oppose our client’s appeal of the Application to the Local Planning Appeal Tribunal (“**LPAT**”). We are also in receipt of comments from urban design staff dated November 14, 2017.

Nevertheless, we are writing on behalf of our client to submit the attached plans prepared by Teeple Architects and dated July 17, 2019 (the “**Revised Plans**”). Corresponding site statistics (dated July 22, 2019) and an updated shadow study are also attached.

The Revised Plans

The fundamental components of this with prejudice submission are in response to built form matters related to size and shape of the building, partially in response to the urban design comments. While the proposed building remains at a height of 14-storeys, the Revised Plans incorporate several changes to setbacks and stepbacks. In particular, we note the following revisions to the Application, which are incorporated into the Revised Plans:

- **Overall Building Setback:** The entire building is now setback 1.5 metres from the north property line at all storeys.
- **At-Grade Setback Along The Queensway:** The Revised Plans setback the proposed building 1.867 metres from the property line to achieve an approximately 7.0 metre wide public realm, except where a vehicular lay-by is located along The Queensway, and the 3.0 metre sidewalk in accordance with the urban design comments.
- **At-Grade Setback Along Plastics Avenue:** The Revised Plans setback the ground floor 2.31 metres from the eastern property line to achieve an approximately 4.89 metre wide public realm from curb to building face at grade and the 2.1 metre sidewalk in accordance with the urban design comments.
- **Upper Level Stepbacks:** The Revised Plans indicate that floors 9-13 are stepped back 14.1 metres from the face of the 8th storey to achieve a 18.3 metre setback from the property line. The 14th storey is stepped back 4.5 metres from the face of the 13th storey (22.8 metres from the property line) and the mechanical penthouse is stepped back a further 5.79 metres.
- **Front Angular Plane:** As a result of the additional setbacks and stepbacks, the proposed building (including the mechanical penthouse) complies with a front angular plane in accordance with the urban design comments and Performance Standard 4A in the Mid-Rise Performance Standards.
- **Shadows:** As a result of the revisions incorporated in the Revised Plans, and as demonstrated in the attached shadow study, the proposed building would maintain more than five hours of sunlight on the sidewalk on the north side of The Queensway on March 21/September 21. Indeed, as demonstrated in the attached shadow study, the shadows generated from the Revised Plans clear the actual sidewalk on both sides of Chartwell Road at 12:38 a.m. on March 21 and 12:18 on September 21.
- **Parking:** The Revised Plans note the provision of parking spaces at 0.89 spaces per residential unit, plus an additional 0.16 spaces per unit shared as visitor and retail parking, for a total of 249 spaces (210 resident and 39 visitor/retail). This rate of supply is supported by the Transportation Impact Study dated November 2018, submitted with

the site plan control application. While the proposed parking rate represents a reduction from By-law 514-2003, it is in excess of the equivalent requirement for PA4 under comprehensive By-law 569-2013.

- **Loading**: The loading space meets the dimensions identified in Zoning By-law 569-2013.
- **Rear Walkway**: The walkway at the rear of the Property has been increased to a width of 2.1 metres.

Implementation

As part of this with prejudice submission, our client would agree to request LPAT to withhold any final order pending the following:

- our client has finalized the form and content of the implementing zoning by-law amendments; and,
- our client has submitted revised Transportation Impact Study and Functional Servicing Report, to the satisfaction of the City, and entered into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to support the development set out in the Revised Plans.

We are providing this submission at this time to ensure the City has sufficient opportunity to obtain direction from City Council at its meeting scheduled to commence on October, 2, 2019.

Yours truly,

Goodmans LLP



David Bronskill

DJB/

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