



Barristers & Solicitors

Bay Adelaide Centre - West Tower
333 Bay Street, Suite 3400
Toronto, Ontario M5H 2S7

Telephone: 416.979.2211
Facsimile: 416.979.1234
goodmans.ca

Direct Line: 416.597.4299
dbronskill@goodmans.ca

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Without Prejudice

Our File No.: 162595

Via E-mail

Legal Services, City of Toronto
Metro Hall, 55 John Street, 26th Floor
Toronto, ON
M5V 3C6

Attention: Abbie Moscovich, City Solicitor

Dear Sirs/Mesdames:

**Re: LPAT Case No. PL171059
470, 490 and 530 Wilson Avenue
City of Toronto Application No. 16 270444 NNY 10 OZ**

As you know, we are solicitors for the owner of the properties known municipally as 470, 490 and 530 Wilson Avenue in the City of Toronto (the “**Property**”) in respect of its above-noted rezoning application (the “**Application**”).

We are writing on a without prejudice basis to propose a settlement of our client’s appeal, based on a revised proposal depicted in the architectural plans dated June 7, 2018 (the “**Revised Plans**”), and a voluntary section 37 contribution as outlined below. This without prejudice settlement offer is open until the close of the City Council meeting scheduled to commence on July 23, 2018.

Background and Without Prejudice Settlement Offer

Since the filing of the Application, our client has engaged in extensive dialogue with City staff in an attempt to address outstanding issues. These discussions have been fruitful on many fronts, and our client appreciates the significant efforts of City staff.

In light of these discussions, our client prepared the Revised Plans in an effort to reach a comprehensive settlement of the appeal. The Revised Plans include a number of significant revisions, including the following:

- **Height:** Our client reduced the height of Building A from 13 storeys to 12 storeys and meets the angular planes set out in the Midrise Performance Standards.
- **Site Organization:** Our client removed the proposed townhouse units at the rear of the Property and central mews as directed by City staff. The new design includes courtyards (minimum width of 15 metres) and a 3.0 metre north setback, as well as enhanced pedestrian circulation through the Property.
- **Wilson Avenue:** Our client worked with staff to accommodate the potential for a queue-jump lane on Wilson Avenue while enhancing the primary entrance to Building A. In the event it is determined that a queue jump lane is not necessary, our client agrees to provide enhanced public realm improvements along the Wilson Avenue frontage. Our client is also amenable to exploring a potential right hand turn lane at the southwest corner of the Property, which our client would agree to construct through the site plan approval process if deemed supportable.
- **Non-Residential Gross Floor Area:** The Revised Plans include increased non-residential gross floor area (approximately 15,000 square feet). We note that a significant portion of the current gross floor area on the Property was used for institutional purposes, meaning that the Property has only 9,386.13 square feet of existing office space and would not trigger the unapproved replacement requirement in Policy 3.5.1.9 of OPA 231. As an alternative, our client could provide 5,601.75 square of non-residential replacement gross floor area at 30 Tippett Road, along with 13,488 square feet of non-residential space on the Property (a slight reduction from the approximately 15,000 square feet shown on the Revised Plans), resulting in 19,089.75 square feet or 86% of the existing non-residential gross floor area on the Property.
- **3-Bedroom Units:** Our client agreed to secure a minimum 10% of the units as 3-bedroom units.
- **Massing:** Our client worked with City staff on the massing of Building A to achieve further horizontal articulation, as well as differentiation of the base and upper levels.
- **Parkland:** Our client has agreed to provide on-site parkland as shown on the Revised Plans.
- **Rental Housing:** All existing residential rental units would be replaced as part of the redevelopment, with such replacement secured as part of the Section 37/111 Agreement(s).

In addition to the revisions reflected in the Revised Plans, our client is also prepared to make a voluntary section 37 contribution of \$1,900,000.00 (indexed) as part of a full settlement of this matter, to be used primarily for the provision of parkland improvements, recreational facilities

and public realm improvements in the vicinity of the Property, to the satisfaction of the Chief Planner in consultation with the local councillor, with half of this voluntary Section 37 contribution to be paid upon the issuance of the first building permit and the remainder to be paid upon the issuance of the first above grade building permit.

Please note that the resulting floor space index is 4.88, which is actually greater than the FSI of the original proposal by 21,100 square feet. However, this increase is the direct result of increased non-residential gross floor area and the increased size of the rental replacement units, as outlined below, and not increased gross floor area for the condominium units:

1. We note that the retail gross floor area of the original proposal was not initially included. This means that the FSI of the original proposal was 4.69 (and not 4.57). We apologize for this oversight.
2. As a result of the City staff direction to eliminate the townhouses, the size of Building A did increase, but this did not result in additional residential condominium gross floor area. Instead, the gross floor area actually decreased with the amount of indoor amenity space being increased by 1,370 square feet.
3. In reviewing the rental replacement units, as originally proposed, City staff concluded that these units were too small. As such, our client has increased all proposed replacement rental units to within 5% of the existing rental units, which increased the gross floor area in Building B by 12,506 square feet.
4. To address the request for office replacement gross floor area, our client added 10,958 square feet of office gross floor area to Building A, while removing 3,075 square feet of retail gross floor area.

Our client would also agree that implementation of the settlement will be conditional upon the following matters, which must be completed prior to issuance of any final order from the Local Planning Appeal Tribunal regarding the proposed zoning by-law amendment(s):

- a. preparation of zoning by-law amendment(s), in a form acceptable to the parties;
- b. approval of the Rental Housing Demolition Application submitted in respect of the Property;
- c. the execution of a Section 37 agreement, in a form satisfactory to the City solicitor, for which the City and our client will work cooperative and in good faith to finalize as soon as possible; and,
- d. provide an updated Functional Servicing Report and Transportation Impact Study, acceptable to the City's Chief Engineer and City's General Manager, Transportation Services, respectively, and provide any required design and financial securities, should


they be required to construct an upgrades or required improvements to existing municipal infrastructure identified in the approved reports and such design, financial security and construction required shall be secured in the zoning by-law amendment and, as a matter of convenience, in the Section 37 agreement, with timing satisfactory to the Chief Engineer.

Our client believes the Revised Proposal represents good planning and an appropriate resolution to our client's appeal. Accordingly, it is hopeful that this with prejudice proposal will be accepted by City Council.

Please let us know if any additional information is required.

Yours truly,

Goodmans LLP



David Bronskill
DJB/
6821963