

AIRD BERLIS

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June 17, 2019

BY EMAIL: Matthew.Longo@toronto.ca

Our File #134287

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

Dear Mr. Longo:

**Re: With Prejudice Settlement Offer
Official Plan and Zoning By-law Amendment Appeals
3411 & 3429 Bloor Street West
City File No.: 17188915 WET 05 OZ
LPAT Case No.: PL171166
LPAT File Nos.: PL171166 and PL180078**

As you are aware, Aird & Berlis LLP represents DCMS Realty (Bloor-Islington) Inc., the owner of the property municipally known as 3429 Bloor Street West. The site is located in the block bound by Bloor Street West, Green Lanes, Clissold Road, and a public lane to the south.

On June 28, 2017, our client filed applications to amend the Official Plan and the former City of Etobicoke Zoning Code (the site is not subject to By-law 569-2013) to permit the construction of an 18 storey mixed-use building including retail space at grade, office uses on the second floor and a retirement residence containing 176 suites above. On-site parking and loading will be accessed from the public lane. On November 6, 2017 and January 15, 2018, we appealed Council's failure to render a decision respecting our client's applications to the Ontario Municipal Board, now the Local Planning Appeal Tribunal, and a hearing has been scheduled for September 3-13, 2019. The Parties to the hearing are the City and our client.

Since that time, our client and its consultant team have continued to consult with City staff respecting possible design revisions which could be made to address outstanding civic comments. In addition, and as you are aware, our client has now entered into an agreement to purchase the adjacent property at 3411 Bloor Street West, the 12m wide site which is located immediately to the east of the subject site, extending to Clissold Road. With the addition of that property, our client is now able to achieve the comprehensive redevelopment of the entire block. The addition has also allowed our client to widen the adjacent substandard public lane with a 1.21m wide stratified widening along its entire length thus facilitating 2-way traffic from end to end. In the original proposal, the lane was proposed to remain one way at its eastern end.

At this time, we are writing to set out terms of a revised development proposal and settlement offer. The attached drawings dated June 14, 2019 and this offer are being provided to you on a with prejudice basis and reflect the revised proposal our client intends to seek to have approved by the LPAT at the upcoming hearing.

As you will see from the attached drawings, the revised proposal has been reduced in height from 18 storeys (70m) to 14 storeys (54.6m) including the mechanical penthouse and 49.6m to the top of the main roof. The podium height has also been reduced from 6 storeys (26.5m) to 5 storeys (22.4m). The size of the retirement residence has been reduced with the number of suites being reduced from 176 to 153, and the office floor has been eliminated. The retail space has been retained at the ground level. One parking level has also been eliminated. The resulting parking supply continues to comply with the applicable zoning requirements. The proposed density has been reduced from 8.7X the lot area to 6.48X the lot area, or 6.38X the lot area excluding 1.5m² of indoor amenity space per retirement suite.

For your convenience, attached as Appendix A to this letter is a table summarizing the various revisions to the proposed building as compared to the initial June 28, 2017 submission.

In support of our client's with prejudice settlement offer and to assist staff's review of same, please find enclosed the following:

1. Revised Architectural Drawings, prepared by Giannone Petricone Associates, dated June 14, 2019;
2. A revised Shadow Study, prepared by Urban Strategies Inc. dated June, 2019;
3. An updated Urban Transportation Considerations Report prepared by BA Group dated June 17, 2019; and
4. An Addendum to the Pedestrian Level Wind Study prepared by Gradient Wind dated June 14, 2019.

We are proposing to ask the Tribunal to allow the appeals in part, and withhold its Order until the following preconditions are met:

1. final versions of the draft Official Plan and Zoning By-law Amendments (including an amendment to By-law 569-2013) are submitted to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
2. the owner has entered into an Agreement under Section 37 of the Planning Act with the City for the purpose of securing community benefits;

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3. the owner has submitted a revised Stormwater Management Study to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
4. the owner has submitted a Sanitary Sewer Analysis to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
5. the owner has submitted a Hydrant Pressure and Volume Test to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
6. the owner has entered into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades and road improvements are required to support the development, according to the Transportation Impact Study accepted by the General Manager, Transportation Services and the Stormwater Management Study, Sanitary Sewer Analysis and Hydrant Pressure and Volume Test accepted by the Chief Engineer and Executive Director, Engineering and Construction Services; and
7. the owner has provided space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 68-10.

If Council resolves to support the revised proposal, as described in this letter and depicted on the attached drawings, we would work together to settle the terms of an acceptable Section 37 Agreement and the form of the draft Official Plan and Zoning By-law Amendments prior to the hearing in September.

Should you have any questions, please do not hesitate to contact the undersigned. By copy of this letter and attachments, we are advising the Participants who have been granted status at the upcoming hearing of these revisions and this with prejudice settlement proposal. Thank you.

Yours truly,

AIRD & BERLIS LLP



Kim M. Kovar
KMK/MTB/mn

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cc: Client
All Participants

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Appendix A:

	Original Application (2017)	Revised Proposal (LPAT 2019)
Site Address	3429 Bloor Street West	3429 + 3411 Bloor Street West
Gross Site Area (sq.m)	1,936.40	2,328
Net Site Area (net of widenings) (sq.m)	1,753.20	2,103
Breakdown of Gross Floor Area (Sq.m) based on Etobicoke By-Law 1088-2002		
residential	15,323	14,475
retail	622	609
office	851	-
total	16,796	15,084
amenity space reduction		230
total GFA excluding 1.5sqm/suite amenity space	15,760	14,855
Suite Mix		
Dwelling rooms (assisted living & memory care)	60	71
Dwelling Rooms (independent living suites)	116	82
total	176	153
Amenity Space		
indoor	1,036	1,321
outdoor	695	625
total	1,731	1,946
Floor Space Index (based on gross site area)	8.7	6.48
Floor Space Index (based on gross site area and GFA minus 1.5m² amenity space / retirement suite)	8.5	6.38
Height		
Podium Height (metres/storeys)	26.49/6st	22.39m/5st
Total Height including mechanical (metres)	70.0m	54.59m
Floor Plates above podium (sq.m) - gross enclose	768.11	752
Car Parking Spaces		
Below Grade	67	46
At Grade	5	8
total	72	54
Bicycle Parking Spaces	28	30