

Public Attachment "A"



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Our File No.: 138131

BY EMAIL

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

Dear Mr. Elmadany:

**Re: PL180191 - 1197 The Queensway and 8 Zorra Street
With Prejudice Settlement Offer**

As you are aware, Aird Berlis LLP acts on behalf of Zorway Developments Limited with respect to the lands municipally known as 1197 The Queensway and 8 Zorra Street in the City of Toronto (the "**Property**").

This letter is further to and should be read in conjunction with the correspondence from our office dated September 23, 2019 which was also provided on a with prejudice basis.

Revised Development Proposal

As detailed in the September 23, 2019 correspondence from our office, following extensive review and engagement with City staff, our client substantially revised the development proposal for the Property. The revised plans, prepared by Graziani and Corazza and dated September 20, 2019 which were included with the September 23, 2019 correspondence illustrated the following revisions (the "Revised Proposal"):

1. The Revised Proposal now includes a 10-storey building with a height of 33.6 metres, measured to the top of the 10th storey and 36.6 metres measured to the top of the roof top amenity area). This represents a significant reduction from the 13-storeys building considered in the Directions Report. The Directions Report advised that, in the opinion of staff, the floor plates of the 11th and 12th floors created a "bulky building envelope" that increased impacts on the public realm. To address this concern, the Revised Proposal eliminates the 11th and 12th floors.
2. The revised 33.6 metre height (measured to the top of the 10th storey) is necessary to accommodate a double height commercial space, 9-foot ceiling heights in all units and to allow for transfer slabs and beams required in mid-rise building to accommodate the proposed building step backs (described below).

3. Modifications are proposed to the mechanical penthouse which was previously wrapped with units and indoor amenity space. Now a smaller built form element is proposed to include an accessible washroom and utility sink for residents using the outdoor amenity space located on the roof.

We acknowledge that the Revised Proposal, at 10-storeys, is greater than the six storey height prescribed in the 2003 Zoning By-law however in our opinion a 10-storey (33.6 metre) building is in keeping with the recent approvals and settlements along the Queensway and is less than 1:1 height to right-of-way ratio in the Avenues and Mid-Rise Buildings Study.

4. As a result of the substantial revisions described above, the combined residential and commercial GFA is now 9995 square metres (based on the GFA calculations in By-law 569-2013 and permitted exclusions related to above-grad bike parking and storage space). As a result, the FSI has been reduced from 7.9 to 6.04.

5. The improved setbacks now provide for a 7 metre sidewalk along The Queensway and a 4.8 metre sidewalk along Zorra Street.

6. As requested by Transportation Services and in accordance with direction from Planning staff, a lay-by parking area for 2 vehicles is proposed on Zorra Street and has been relocated to the south end of 8 Zorra Street. Further analysis in support of this proposed off-site pick up and drop off will be included in the next rezoning submission.

7. In addition to the 6.0 metre vehicular access from Zorra Street to the underground parking, the private drive also includes a 1.5 metre pedestrian walkway to facilitate safe, comfortable access to the bike parking.

8. In response to comments in the Directions Report with respect to building mass and articulation, the Revised Proposal now includes the following setbacks:

- 3 metres above the 6th floor along The Queensway and Zorra Street;
- 4.5 metres above the 8th floor along The Queensway and Zorra Street;
- 5.5 metres setback along the western elevation;
- 5.5 metres on floors 2 to 5 along the southern elevation;
- 2 metres setback above the 6th floor along the southern elevation; and
- 2.5 metre setback above the 8th floor along the southern elevation.

9. Amenity space in the Revised Proposal will be provided at a rate of 2 square metres per unit for indoor and 2 square metres for outdoor space.

10. The Revised Proposal will include 10% 3 bedroom and 20% 2 bedroom units.

Please note our client has yet to undertake a detailed suite layout design, which would typically occur through the site plan process. As a result, our client cannot commit to a specific unit count that is currently shown in the plans but does commit to the percentage of 3 and 2 bedrooms noted above. In the event the revised built form shown in the plans is accepted by the City we will work

to address matters such as confirming bike and vehicular parking in the next zoning resubmission and will include an updated draft by-law amendment to reflect those standards.

In our opinion the Revised Proposal is fully responsive to the comments in the Direction Report with respect to height, density, massing and articulation. The Revised Proposal is consistent with and conforms to relevant Provincial policies and plans; the proposed 10-storey mixed use building conforms to the City's Official Plan policies, implements the revitalization strategies set out in the 2003 Pilot Queensway Avenue Study and the implementing Queensway Urban Design Guidelines.

City's Conditions of Settlement

We have had an opportunity to review the Request for Direction Report considered by TEYCC on January 30, 2019 in respect of this matter. We understand that any settlement achieved with the City based on the Revised Proposal will also include a number of conditions. Accordingly, please be advised that our client is prepared to agree to the following conditions to the settlement based on the Revised Proposal:

1. Our client agrees to request that the Local Planning Appeal Tribunal ("LPAT") withhold issuance on the Order from the for the Zoning by-law Amendment until the LPAT has been advised by the City Solicitor as follows:
 - a. the proposed Zoning By-law Amendment is in a final form satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor;
 - b. the owner has submitted a revised Functional Servicing Report, including confirmation of water and fire flow, sanitary and storm water capacity, Storm Water Management Report and Hydro-geological Report (the "Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
 - c. the implementation of the Engineering Reports that are accepted by the Chief Engineer and Executive Director, Engineering and Construction Services either does not require changes to the proposed amending By-law or any such required changes have been made to the proposed amending By-law to the satisfaction of the Chief Planner and Executive Director, City Planning, the City Solicitor and the Chief Engineer and Executive Director, Engineering and Construction Services;
 - d. 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 681;
 - e. that the owner has submitted a revised Transportation Impact Study acceptable to, and to the satisfaction of the General Manager, Transportation Services;
 - f. the Owner has entered into and registered on title to the Site, one or more agreements pursuant to Section 37 pursuant to Section 37 of the *Planning Act* and all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor the following:

- i. the off-site parkland dedication of a minimum of 161.9 square metres, to be conveyed and dedicated to the City, at no cost to the City, through the lands located at 30 and 44 Zorra Street in satisfaction of the parkland dedication requirements pursuant to Section 42 of the *Planning Act* and in accordance with Chapter 415, Article III of the Municipal Code and related matters as agreed to by the Owner and the City;
 - ii. the owner shall be required to satisfy a set of standard pre-conditions related to parkland conveyance, including, but not limited to, matters such as compliance with the Municipal Code, Environmental Assessments, Building Code fire separation distance and base park improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation;
 - iii. should any upgrades and/or improvements be required, the owner has secured the requirements for the necessary upgrades and/or improvements to the existing municipal infrastructure identified in the accepted Engineering Reports to support the development, including any financial securities, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
2. Our client also agrees that the following matters will be secured as a matter of legal convenience in the Section 37 agreement, all to be addressed through the site plan approval process:
- i. the owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.
 - ii. the owner shall submit a wind tunnel test, if deemed necessary, to determine the efficacy of the recommended wind mitigation measures from the Wind Study, evaluated to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - iii. the owner has provided for at no cost to the City, if required, any signal improvements and/or changes as necessary, from the accepted Transportation Impact Study;
 - iv. a detailed Landscape/Planting Plan and Planting Details are submitted and Tree Preservation matters are resolved to the satisfaction of the General Manager, Parks, Forestry and Recreation; and
 - v. as a pre-approval condition to any site plan approval for the site, the owner has agreed to enter into a financially secured agreement that secures the design, and construction, as well as the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades are required to support the development.

Request and Next Steps

As the Revised Proposal and this additional correspondence is being communicated on a **with prejudice** basis we would respectfully request that staff report out on this settlement proposal as soon as possible and seek direction from City Council in respect of same.

We understand that the current intention is to seek that direction at the October 29th and 30th meeting of City Council.

Further, we acknowledge the City's request for our client to consider electing to implement Above Base Park improvements as part of the already agreed to parkland conveyance. We understand that staff will be seeking direction to provide for a Parks DC Credit for the amount of the Above Base Parks improvements in the event our client elects to undertake this work. Please confirm same.

We also acknowledge that the Procedural Order established September 20, 2019 as the day upon which any revised plans would have to be circulated to the City for consideration. In the event that the revised plans are acceptable to the City we will also seek the City's consent to request an extension to today's date from the LPAT and therefore would respectfully request that you seek that direction from City Council.

Should you require any additional information to facilitate the above process, please contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello
EPKC/lm

c. Client

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