

January 14, 2019

File No.: 138131

BY EMAIL: etcc@toronto.ca

City Clerk's Office
Etobicoke York Community Council
399 The West Mall
Toronto, ON
M9C 2Y2

Attention: Ms. Rosemary MacKenzie, Administrator

Dear Ms. MacKenzie:

**Re: EY2.3 – Request for Direction Report
1197 The Queensway & 8 Zorra Street, City of Toronto
Municipal File No.: 17 257307 WET 05 OZ
LPAT Case No.: PL180191
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Please be advised that 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**"). The Property is located on the south side of The Queensway on the west side of Zorra Street, east of Kipling Avenue.

On November 2, 2017, our client filed an application (the "**Application**") to amend the former City of Etobicoke Zoning Code (Site Specific By-law No. 514-2003) ("**Zoning By-law 514-2003**") to permit the development of a 12-storey mixed use building with commercial and residential uses at grade and residential uses above (the "**Proposal**" or the "**Proposed Development**"). The overall proposed height of the Proposed Development is 39.0 metres to the top of the main roof (44.0 metres including the mechanical penthouse, plus an additional 5.5 metres for a cooling tower).

The Proposed Development will contain a combined gross floor area of 13,110.2 square metres, with 12,763.2 square metres of residential gross floor area and 347 square metres of non-residential gross floor area. This will result in a density of 7.93 times the area of the lot. A total of 159 residential units are proposed.

The City failed to make a decision with respect to the Application. As such, on March 5, 2018, we filed an appeal (the "**Appeal**") on behalf of our client with the Local Planning Appeal Tribunal pursuant to subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13.

We are writing to provide the Etobicoke York Community Council ("**Community Council**") with additional information with respect to the Proposal as it is our understanding that City staff will seek the direction of Community Council at its first regular meeting on January 15, 2019 with respect to the Appeal.

The Property is currently occupied by a 1-storey commercial plaza, surface parking lot and a 2-storey detached residential dwelling.

The Property is located along The Queensway, a designated *Avenue*, and is designated as *Mixed-Use Areas* within the City of Toronto Official Plan (the “**Official Plan**”). The Proposal conforms to the policies of these designations and an Official Plan Amendment is not required.

The Proposal requires an amendment to Zoning By-law 514-2003 to increase the permitted height and density and revise other development regulations as necessary to accommodate the Proposed Development.

We note that the height and density provisions in Zoning By-law 514-2003 predate the Provincial Policy Statement (2014), the Growth Plan (2017), the Official Plan and the Avenues and Mid-Rise Buildings Study. As such, it is appropriate and desirable to permit a higher level of intensification on the Property than that which is presently permitted by Zoning By-law 514-2003. In our view, the Proposal conforms to the Growth Plan (2017) and is consistent with the Provincial Policy Statement (2014). The Proposal also conforms to and implements the provisions of the Official Plan as it relates to *Mixed Use Areas* and the built form policies contained therein.

In terms of the surrounding area, the Property is located on a portion of The Queensway where the development context (implemented by site and or area specific approvals) has gradually evolved over time to facilitate the transition from a predominantly commercial and industrial area to an area characterized by a vibrant mix of uses including residential and community uses such as new parks.

It is our understanding that staff is not supportive of the Proposal for several reasons, including staff’s opinion that the height and density of the Proposal are not in keeping with the existing or planned context for the *Avenues* area along The Queensway, The Queensway Avenue Study, Zoning By-law 514-2003, nor The Queensway Design Guidelines and Streetscape Improvements.

In our view, this position does not adequately consider the evolving context of the Property and surrounding area, as noted above, nor does it account for recent developments in the immediate vicinity of the Property, including the 12-storey building on Zorra Street directly across from the Property as well as Ontario Municipal Board approved developments at higher heights and densities than provided for by Zoning By-law 514-2003.

Further, staff’s reliance on The Queensway Avenue Study in support of their position is problematic as this Study was created in 2002 and, as noted above, predates important Provincial policies which emphasize intensification and mixed use development on existing infrastructure. The Queensway Avenue Study does not respond meaningfully to The Queensway as it exists today and thus does not provide a helpful or relevant standard against which to assess whether or not the Proposal is appropriate or desirable.

Notwithstanding this difference of opinion, our client and its consultant team have been working in a cooperative manner with City staff to better understand outstanding issues and to explore ways to address the concerns raised by City staff in a manner which is responsive to the above-noted context as well as to the market realities of development. Our client and its team are committed to continue to engage with staff in an effort to reach a consensus on the Proposal or,

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at the least, to narrow the list of contested issues for any hearing to be scheduled. To that end, we support the staff recommendation #2 as set out in the report.

We also wish to address the staff recommendation #3 which refers to a requirement for “an on-site parkland dedication or a combination of cash in lieu payment and on-site dedication” pursuant to Section 42 of the Planning Act. We wish to draw to your attention the discussion of this matter, on page 36 of the report where staff acknowledge that our client has in fact addressed the parkland dedication for this site by way of an over-dedication of parkland at 30 Zorra Street which has resulted in a total parkland dedication of approximately 1,118 square metres. This was approved by City Council in its decision of July 23, 2018 and recently approved in principal at a settlement hearing before the Land Use and Planning Appeal Tribunal on November 9, 2018. Accordingly, in our view the matter of the parkland dedication for this site has already been accepted and secured by the City by virtue of its acceptance of the over-dedication of parkland at 30 Zorra Street.

We appreciate your consideration of these comments and your attention to this matter.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello
EPKC/RH

c: Marlin Spring, Pedro Lopes
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