

PUBLIC ATTACHMENT 1

AIRD BERLIS

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February 10, 2020

BY EMAIL

Our File No. 134192

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

Dear Mr. Suriano:

**Re: PL171261 - 444 - 450 Richmond Street West
With Prejudice Settlement Offer**

As you are aware, Aird Berlis LLP represents 450 Richmond Street West Limited, the owner of 444, 446, 448 and 450 Richmond St. W. located on the north side of Richmond Street, just west of Spadina Avenue (collectively, the "Property").

Background

On July 5, 2017, our client submitted an application (the "2017 Application") to the City of Toronto to amend By-laws 438-86 and 569-2013 to permit the development of a 19 storey, mixed-use building containing non-residential uses at the ground level and residential units above.

On November 9, 2017, our client appealed City Council's failure to make a decision respecting the application (the "Appeal"). As set out in the Notice of Appeal, our client had been having productive discussions with City Planning staff and sought to continue those discussions, however, the Appeal was filed as a precautionary measure in light of uncertainties with respect to Bill 139's transition provisions.

On December 4, 2017, the Tribunal acknowledged receipt of the Appeal and opened a file in this matter (PL171261). A pre-hearing conference was held on November 30, 2018 and a ten (10) day hearing has been scheduled commencing on April 20, 2020.

On July 23, 2018, City Council received a Request for Direction Report dated June 20, 2018 (the "Direction Report") from City staff in respect of the proposed development for the Property. The Direction Report outlined concerns related to height and massing, urban design, amenity space, parking spaces and vehicular access.

City Council accepted the Direction Report and authorized staff to continue to have discussions with our client on a revised proposal which addresses the issues set out in the Direction Report.

Consultation with Staff

In accordance with the direction from City Council, our client has been engaged in without prejudice discussions with City staff in an attempt to narrow and/or remove issues in advance of the LPAT hearing. In particular, our client held meetings with City staff in late January and early February 2020 at which various revisions to the 2017 Application were explored.

On behalf of our client we wish to express our thanks to staff for their willingness to engage in those discussions as they have resulted in a revised development proposal which, in our opinion, responds to the issues identified by the City and results in a well-designed mixed use development which conforms to City policies and represents good planning and urban design.

Settlement Proposal

As noted above, following extensive review and engagement with City staff, our client has substantially revised the development proposal for the Property from that which was proposed in the 2017 Application. The below list of changes constitute our client's with prejudice settlement offer to the City (collectively, the "Settlement Proposal").

- (a) overall height has been reduced from 61.1 m to 58.15 m to match the height of the neighbouring building to the west, located at 452 Richmond St. W.;
- (b) GFA has been reduced from 8,494 m² to 8,058 m²;
- (c) FSI has been reduced from 14.02 to 13.30;
- (d) a light well has been added on the east side of the proposed building adjacent to the west facing windows on the property line of the neighbouring building, located at 438 Richmond St. W. ("The Morgan");
- (e) the previously proposed balconies on the south building face above the 12th floor have been removed;
- (f) the stepback above the 12th floor on the south side of the proposed building has been adjusted to 2.0 m to match the stepback of the neighbouring building (452 Richmond St. W.);
- (g) the east facing stepback above the 12th floor has been increased to 5.5 m for the southern portion of the east façade and 3.5 m for the northern portion of the east façade above the 12th floor;
- (h) the indoor residential amenity area has been increased from 228 m² to 333 m²;
- (i) the outdoor residential amenity area has been increased from 66 m² to 111 m²;
- (j) surface parking has been revised from the 5 car share spaces and 1 service vehicle space which were originally proposed to 3 short-term drop-off spaces and 1 service vehicle space, accessed from the rear laneway.

In our opinion the Settlement Proposal is fully responsive to the comments in the Direction Report. The Settlement Proposal is consistent with and conforms to relevant Provincial policies

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and plans; conforms to the City's Official Plan policies and implements the King Spadina Urban Design Guidelines. To assist in your review we have also attached draft plans, prepared by architectsAlliance dated February 10, 2020. We would note, however, that these plans must still be reviewed with input from City staff, including the Zoning Examiner, to ensure that appropriate relief is sought from the in-force by-laws in order to give effect to the Settlement Proposal.

Request and Next Steps

As the Settlement Proposal is being communicated on a **with prejudice** basis we would respectfully request that staff report out on this settlement offer as soon as possible and seek direction from City Council in respect of same. We understand that the current intention is to seek Council's direction at the February 27, 2020 meeting of City Council.

We also ask that you seek direction from Council for staff to continue working with our client to finalize the Zoning By-law and further update the draft plans attached to this letter as necessary to properly implement the Settlement Proposal in advance of the April 2020 LPAT hearing.

Should City Council see fit to approve this settlement offer, we request your consent to advise the LPAT and the other parties to the Appeal of the settlement.

Additionally, we acknowledge that the LPAT Procedural Order established January 23, 2020 as the day upon which any revised plans would have to be circulated to the City for consideration. In the event that the Settlement Proposal is acceptable to the City, we would also seek the City's consent to request an extension from the LPAT to today's date and would therefore 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

Encl.

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