



Barristers & Solicitors
Bay Adelaide Centre
333 Bay Street, Suite 3400
Toronto, Ontario M5H 2S7
Telephone: 416.979.2211
Facsimile: 416.979.1234
goodmans.ca

Direct Line: 416.597.5160
iandres@goodmans.ca

March 26, 2021

WITHOUT PREJUDICE

Our File No.: 180145

VIA EMAIL

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

Attention: Alexander Suriano

Dear Mr. Suriano:

Re: LPAT Case No. PL180105 – 859 The Queensway, Toronto (the “Subject Property”)

As you know, we are the solicitors for First Avenue Properties Inc. and Latch Developments Ltd. in respect of their application for a zoning by-law amendment to permit a mid-rise mixed-use redevelopment on the Subject Property (the “**Application**”).

The Subject Property is located at the southwest corner of The Queensway and Plastics Avenue, and is designated Avenues and Mixed Use Areas in the City’s Official Plan. The Application originally proposed a 14-storey L-shaped building with a total gross floor area of approximately 20,000 m², comprised of commercial uses at grade and 237 residential units above.

On December 21, 2020, following a five-day virtual hearing, the Local Planning Appeal Tribunal (“**LPAT**”) issued a Decision and Interim Order which did not approve the Application as presented, but which provided the applicant with an opportunity to revise the proposal with a reduced building height of up to 12 storeys, subject to certain other directions in respect of modifications to the massing and design of the building (the “**Interim Order**”).

Over the past two months, our clients have worked closely with City staff to address the built form directions set out in the Interim Order in order to achieve an appropriate revised development proposal that staff are willing to support, as set out in the revised architectural plans prepared by Teeple Architects Ind., dated March 25, 2021, and enclosed herewith (the “**Revised Proposal**”).

Accordingly, the Revised Proposal is hereby submitted for formal endorsement by City Council, pursuant to paragraph 142 of the Interim Order.

The most significant changes to the original Application which are reflected in the Revised Proposal can be summarized as follows:

- the overall building height has been reduced from 14 storeys to 11 storeys (notwithstanding that the Interim Order approved a building of up to 12 storeys), while maintaining the same L-shaped configuration;
- the overall gross floor area has been reduced by approximately 20%, from 20,038 m² to 16,136 m², which corresponds to an FSI reduction from 5.22 to 4.23;
- the setback to the rear property line has been increased to 7.5 metres for the closest portion of the building at the 2nd, 3rd and 4th floors, with an additional 2 metre stepback for the 5th through 11th floors (while we acknowledge that the Interim Order suggested a 2.5 metre stepback above the 4th floor (instead of 2 metres), the additional 0.5 metres of depth is important to allow for the provision of three-bedroom units in these locations, which we understand to be an important objective of the City);
- the setback to the east property line has been increased to almost 1.1 metres for the closest portion of the building at the 2nd through 8th floors, at staff's request, to provide additional open space along Plastics Avenue to accommodate boulevard tree plantings (notwithstanding that this was not addressed in the Interim Order);
- several units have been removed on the upper levels along the Plastics Avenue frontage and increased 4 metre stepbacks have been provided on the 10th and 11th floors to bring most of the building underneath a 45 degree angular plane, which generally corresponds to the direction from the Interim Order (it is acknowledged that strict adherence to the angular plane is not achieved, however it must also be noted that the overall building height is one storey less than the Interim Order would have permitted, which further mitigates any perceived massing or shadowing impacts); and
- the overall unit count has been reduced from 237 to 187, and the mix has been revised to include 10% three-bedroom units and 33% two-bedroom units, which is well in excess of the 15% two-bedroom unit standard in the City's "Growing Up" Guidelines.

In addition to the built form changes described above and depicted in the Revised Proposal, the applicant has also agreed to provide a section 37 cash contribution of \$600,000 to be used at the local councillor's discretion. This contribution is consistent with the contributions recently secured by the City for other comparable projects in the vicinity.

Finally, the applicant has also agreed to provide a surface pedestrian clearway easement to provide for public access over the privately-owned portions of the sidewalk next to the building.

In summary, our clients and their consultants believe the Revised Proposal represents good planning and an appropriate resolution to the appeal. We are hopeful that this settlement offer will be accepted by the City so that we may advise the LPAT as soon as possible that all of the outstanding zoning issues have been resolved and request that a further decision be issued which approves the Revised Proposal in principle, on the basis that the final LPAT order be withheld pending satisfaction of the conditions set out in the staff report (which we understand are consistent with the conditions set out in paragraph 4 of the previous Council decision in this matter during its meeting of November 26 and 27, 2019).

We understand that staff will be recommending that Council endorse the Revised Proposal at its next meeting scheduled for April 7 and 8, 2021. If this settlement offer is not accepted by Council at its next meeting, then it should be considered as withdrawn.

Please let us know if any additional information is required.

Yours truly,

Goodmans LLP



Ian Andres
INA/vw

cc: Marc Nufrio
David Bronskill