

AIRD BERLIS

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BY EMAIL

CONFIDENTIAL AND WITHOUT PREJUDICE

Our File No.: 152767

Mr. Mathew Longo
City of Toronto
Planning & Administrative Tribunal Law
Metro Hall, 26th Floor
55 John Street
Toronto, ON M5V 3C6

Dear Mr. Longo:

**Re: Confidential and Without Prejudice
Settlement Proposal for Official Plan Amendment Application
655-663 Queen Street West, Toronto
LPAT Case No. PL200292
Municipality File No. : 19 264479 STE 10 OZ**

Please be advised that Aird & Berlis LLP acts on behalf of Timbertrin (Queen/Bathurst) LP with respect the properties municipally known as 655, 657, 659 and 663 Queen Street West and 178 Bathurst Street in the City of Toronto (collectively the "Property").

Background

On December 23, 2019, our client's planning consultant Bousfield's Inc. submitted a zoning by-law amendment application (the "**Application**") proposing the comprehensive redevelopment of the Property with an 8-storey (30.8 metres including mechanical penthouse) mixed-use building with approximately 68 dwelling units and 919 square metres of street-related commercial uses.

On July 16, 2020, our client appealed City Council's failure to make a decision respecting the Application within the statutory time frame pursuant to Section 34(11) of the *Planning Act*, R.S.O., c P. 13, as amended. At that time, and as noted in the appeal letter, our client remained interested in engaging with the City in order to resolve outstanding issues.

Settlement Offer

We are writing to provide a without prejudice settlement offer to resolve the Appeal (the "**Settlement Offer**"). The revised development proposal for the Property (the "**Revised Application**") which forms the basis of this Settlement Offer is shown on the drawings, prepared by Teeple Architects Inc. and dated April 13, 2021 which are enclosed herewith.

The Revised Application includes the following modifications from the Application:

- the building height is proposed to be no taller than 29.5 m to the top of the roof (excluding the mechanical penthouse). We note that the revised development proposal has yet to undergo detailed design or site plan review by the City. Our client undertakes to work with City staff through the site plan process to explore ways to minimize the overall size of the mechanical penthouse and to find further design modifications which may result in additional reductions in overall building height.
- the provision of a 0.9 m setback at grade along the Queen Street sidewalk for the entirety of the frontage of the Property resulting in an enhanced boulevard, whereas the Application proposed a 0.0 m setback. As a result of this increased setback there has been a slight reduction in the proposed commercial area from the 423 sq. m of GFA originally proposed to 399 sq. m;
- improvements to the design and location of the outdoor amenity areas and an increase in indoor amenity areas as follows:
 - a new second floor outdoor amenity terrace at the southwest corner of the Property with an area of 29 sq. m;
 - a repositioned 142 sq. m outdoor amenity terrace on the ninth floor located along the north portion of the building;
 - an additional 17.4 sq. m of indoor amenity space resulting in a total indoor amenity space area of 159 sq. m (2.09 sq. m / unit) whereas the Application proposed 141.6 sq. m. (2.08 sq. m / unit);
- the introduction of a new 5 m building setback along the Queen Street frontage of the Property from the fourth floor to the eighth floor for a width of 19.24 m from the western side lot line of the Property in order to provide greater articulation to the streetwall at this height;
- the introduction of a 1.5 m setback at the northeast corner of the building extending from the fourth floor to eighth floor for a width of 9.59 m, where as the Application proposed a 0.0 m setback from floors four to eight.
- various urban design modifications including additional façade articulations and setbacks on all building faces and at various storeys in response to comments from Planning and Urban Design staff and to accomplish the City's objective of establishing a strong six storey street wall along Queen Street West and;
- a 0.64 m lane widening along the southern lot line of the Property as requested by the City in order to achieve a 6 m wide laneway;
- the provision of zero (0) parking spaces for both residential and retail uses, recognizing the transit rich location of the Property at the intersection of two streetcar lines and within walking distance to higher order transit;

- the provision of a total of 90 bicycle parking spaces (an increase of 10 spaces from the Application);
- the provision of a shared Type “G” and Type “B” loading space as depicted on drawing A002 prepared by Teeple Architects Inc. and dated April 13, 2021; and
- The unit count has been revised to provide less studios, more two bedroom + dens and an overall increase in larger units. The revised application proposes the following unit makeup which may only be further revised through the site plan application process with agreement of the Chief Planner and our client:
 - Studio (35.5%)
 - One-Bedroom (13.2%)
 - One-Bedroom+ Den (10.5%)
 - Two-Bedroom (23.7%)
 - Two-Bedroom + Den (7.9%)
 - Three Bedroom (9.2%)

In addition to the Revised Application, the Settlement Offer is made on the following terms:

- The City will consent to and attend in support of a settlement hearing on our client’s appeal which settlement hearing shall be scheduled for the earliest possible date following the Council decision on the Settlement Proposal;
- Our client agrees that the LPAT order will be withheld until:
 - the City is satisfied that our client has satisfied the preliminary zoning by-law amendment conditions set out in the April 24, 2020 memorandum from Engineering and Construction Services;
 - the implementing Zoning By-law Amendments have been prepared to the satisfaction of the City with such review to be worked on collaboratively and expeditiously with our client;
- Upon final and binding approval of the Zoning By-law Amendments reflecting the Settlement Offer by the LPAT (and any subsequent legal proceedings) our client agrees to withdraw its appeals of Official Plan Amendment 486, the King Spadina Secondary Plan (PL200186) and Official Plan Amendment 445 (Queen West Planning Study as they relate to the Property;

If City Council does not accept this Settlement Offer, the Settlement Offer shall remain confidential and without prejudice.

In support of this Settlement Offer attached are the:

1. "Revised Application" being the following drawings prepared by Teeple Architects Inc. and dated April 13, 2021:
 - a. Architectural Set
 - b. 3D views; and
 - c. 3D massings – looking SW and NE; and
2. Draft Zoning By-laws implementing the Revised Application.

Should you have any questions about the foregoing, please contact the undersigned or Laura Dean (ldean@airdberlis.com / 416-865-7706).

Yours truly,

AIRD & BERLIS LLP



EILEEN P.K. COSTELLO
Partner

EPKC/LD

Encl.

c. Client

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