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January 23, 2023

WITHOUT PREJUDICE

Our File No.: 201042

VIA EMAIL

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

Attention: Matthew Longo

Dear Mr. Longo:

**Re: Official Plan and Zoning By-law Amendment Appeals – Case No. OLT-22-002432
175-195 St. Clair Avenue West & 273 Poplar Plains Road (the “Subject Property”)**

As you know, we are the solicitors for St. Clair Developments Limited Partnership (the “**Owner**”) in respect of its applications for official plan and zoning by-law amendments to redevelop the Subject Property, which were appealed to the Ontario Land Tribunal (the “**Tribunal**”) on February 15, 2022 based on the failure of the City of Toronto (the “**City**”) to make a decision on the applications within the statutory timeframes (the “**Appeals**”).

We are writing on behalf of the Owner to make a formal settlement offer to City Council to fully resolve the outstanding Appeals based on significant changes to the development proposal which are the culmination of extensive settlement discussions amongst the parties to the Appeals.

Application and Appeal Process

The Subject Property comprises a lot assembly with an overall site area of approximately 4,721 m². It is located close to the intersection of St. Clair and Avenue Road, and is designated “Apartment Neighbourhoods” and subject to Site and Area Specific Policy 221 (“**SASP 221**”) in the City’s Official Plan. It is currently occupied by an institutional building, four single detached houses and a five-storey apartment building. It is surrounded by a 19-storey condominium tower to the east, 12-storey condominium buildings to the north and west (on the opposite sides of St. Clair and Poplar Plains, respectively) and low-rise residential buildings to the south.

The original applications were filed with the City on October 15, 2020 and sought approval of 13-15 storey residential infill development with 206 units and a density of 7.16 times the lot area. After the submission of additional materials, the applications were deemed complete by the City on February 3, 2021. Following a community consultation meeting which occurred on March 23, 2021, the owner and its consultants engaged in an extensive working group process and attended numerous meetings with local stakeholders, adjacent landowners, members of City staff and the local councillor's office, to seek input and comments on the applications.

As a result of the feedback received during the working group process, the Owner made a comprehensive resubmission on September 24, 2021, including the filing of a site plan application and full set of supporting studies, in respect of a revised development proposal with reduced heights and density and several other built form and public realm enhancements. The revised proposal was comprised of a smaller building with heights of 11-13 storeys, a reduced unit count of 164 and a reduced density of 5.79 times the lot area. At the City's request, the Owner also proposed to dedicate parkland at the corner of St. Clair and Poplar Plains, while also providing an upgraded sidewalk and streetscape, additional tree plantings, improved landscape buffering at the side and rear, further enclosure of the rear loading space, and certain increased building setbacks.

Since the Appeals were filed, the Tribunal has convened two case management conferences and issued a procedural order pursuant to which a 14-day contested hearing is scheduled to commence on June 12, 2023. In addition to the Owner and the City, party status in the proceedings was granted on consent to a community action group incorporated as Rational Development in South Hill Group Inc. ("**RaDISH**").

Mediation and Settlement Proposal

Over the past three months, the Owner, the City and RaDISH have participated in a confidential mediation process led by Global Resolutions Inc. which has involved numerous formal meetings and side discussions amongst the parties. We are grateful for the time and resources invested by the City and RaDISH in this process and are pleased that it has resulted in a revised development proposal that is satisfactory to the parties (the "**Revised Proposal**"), subject of course to City Council considering and accepting this settlement offer.

We are pleased to advise that the Owner and RaDISH have now reached a binding settlement in respect of the agreed-upon changes to the project (as described in more detail below) and other terms. It is our understanding that RaDISH is independently writing to the City to confirm its support for the Revised Proposal based on the agreed-upon terms of settlement.

Enclosed with this letter are a series of materials which depict the Revised Proposal, including a site plan showing the agreed-upon building heights, setback and stepback dimensions, cross sections outlining the three distinct building components, and three-dimensional massing images depicting how the overall built form will fit compatibly within its surrounding context.

The most significant aspects of the Revised Proposal can be summarized as follows:

- the built form has been significantly modified by introducing a large gap in the central portion to break up the overall massing of the approximately 116 metre-long building into two taller elements on each end and a lower podium-type portion in the middle;
- the height of the central portion of the building has been reduced from 11 storeys to 7 storeys and the mechanical penthouse eliminated from this portion of the building;
- the heights of the taller easterly and westerly portions of the building have been revised to 12 and 14 storeys, respectively, with a 38 metre separation distance between these portions at the narrowest point;
- certain setbacks and stepbacks have been agreed to at different levels and for different portions of the building to ensure the massing is further articulated;
- the outdoor amenity space for the future residents has been relocated from the rear of the building at ground level to a large outdoor terrace on the 8th floor which is located within the gap between the taller easterly and westerly portions of the building;
- the loading and servicing areas, as well as the ramp to the underground parking garage, have now been fully enclosed at the rear of the building, and shifted further to the north to provide a minimum setback of 7.5 metres from the south wall of the easterly and central portions of the building to the rear lot line shared with the detached houses on Lynwood Avenue (which are within the Neighbourhoods designation);
- this setback area between the south wall of the new building and the south lot line shared with the detached houses will be maintained in perpetuity as a landscaped buffer and planted with a series of trees to provide an attractive green space and vegetative screening between the new building and the existing neighbourhood;
- the westerly portion of the building has also been shifted further to the north to provide a minimum setback of 5.5 metres from the south wall of the building to the lot line shared with the existing four-storey apartment building at 265 Poplar Plains Road (which is within the same Apartment Neighbourhoods designation);
- certain design details have been agreed to with RaDISH in respect of the balconies and terraces on the south façade of the new building to enhance privacy, to reduce overlook, and to maintain vegetative screening and an aesthetic visual buffer; and
- the public park previously proposed along Poplar Plains Road on the west side of the building has been eliminated, as City staff advised that the required parkland dedication for the Subject Property is only half of the land area it was originally thought to be,

such that an on-site dedication would result in a park too small to serve a meaningful function; instead the building was extended further to the west and the Owner will pay cash-in-lieu based on 5% of land value in accordance with the City's parkland by-law.

The overall unit count, unit breakdown and resulting density remains to be determined as the building is redesigned in accordance with the agreed-upon terms. Should City Council confirm its support for the proposed settlement, the Owner will produce a full set of architectural plans (including a comprehensive site plan, landscape plan, floor plans and elevations), together with the revised official plan and zoning by-law amendments required to implement the revised development proposal, all of which will be presented to the Tribunal on consent.

In summary, the Revised Proposal is the culmination of a tremendous amount of effort by the parties to resolve their differences and to compromise on several key aspects of the development. It will deliver a significant amount of new housing in a location that is well-served by existing infrastructure and higher-order public transit, with a dedicated streetcar line at its doorstep and two subway stops within a short walking distance. The new building represents high-quality architectural design and will deliver a strong public realm and attractive landscaping, while fitting in comfortably with the surrounding mid-rise buildings and ensuring appropriate transition to the adjacent neighbourhood. Our clients and their consultants believe that the Revised Proposal represents good planning and urban design, and an appropriate resolution to the Appeals.

We are hopeful that this settlement offer will be accepted by the City so that we may advise the Tribunal as soon as possible that all of the outstanding issues have been resolved and request that a one-day settlement hearing be scheduled in lieu of the lengthy contested hearing that is otherwise scheduled to commence in June.

We understand that staff will be recommending that Council endorse the Revised Proposal at its next meeting scheduled for February 7, 2023. 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

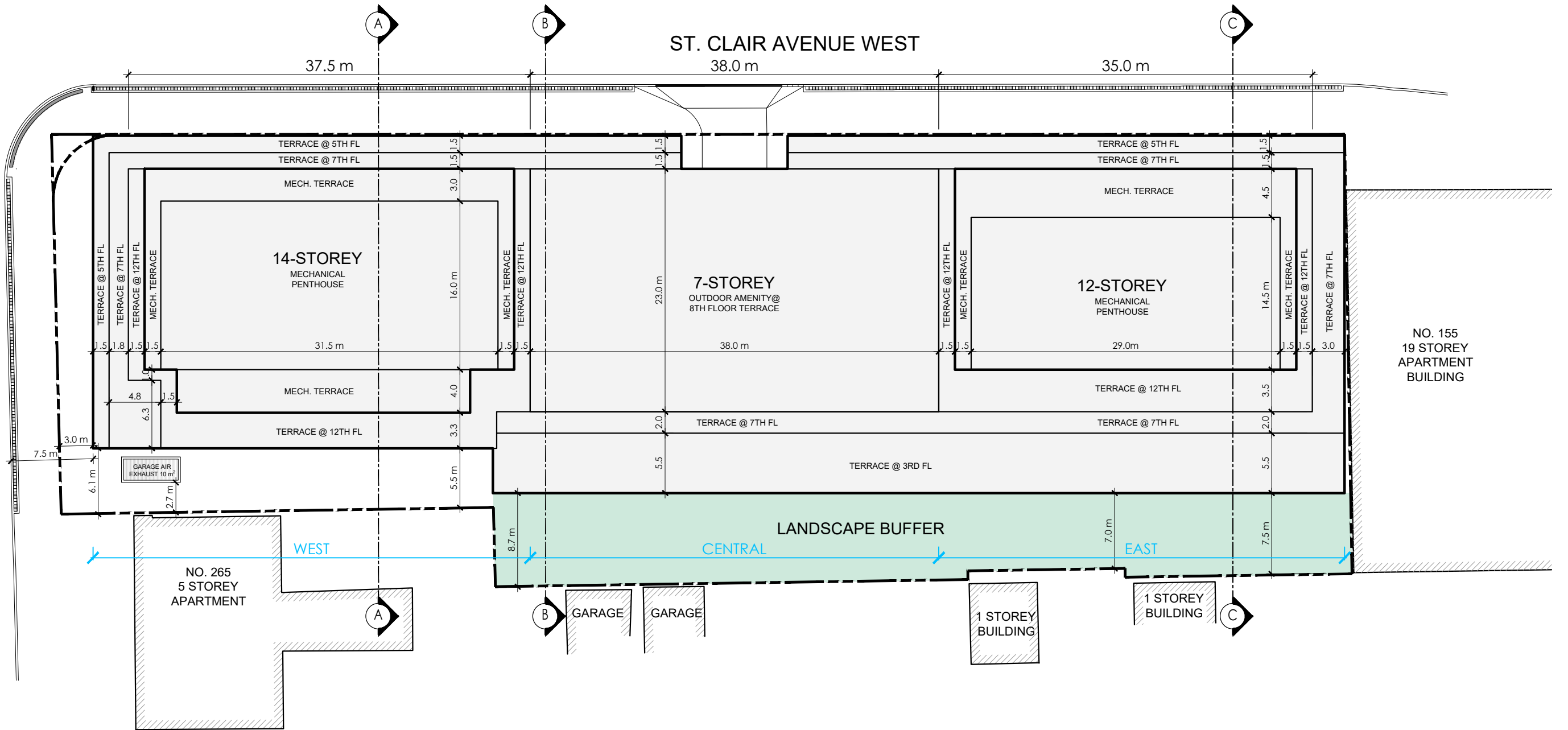


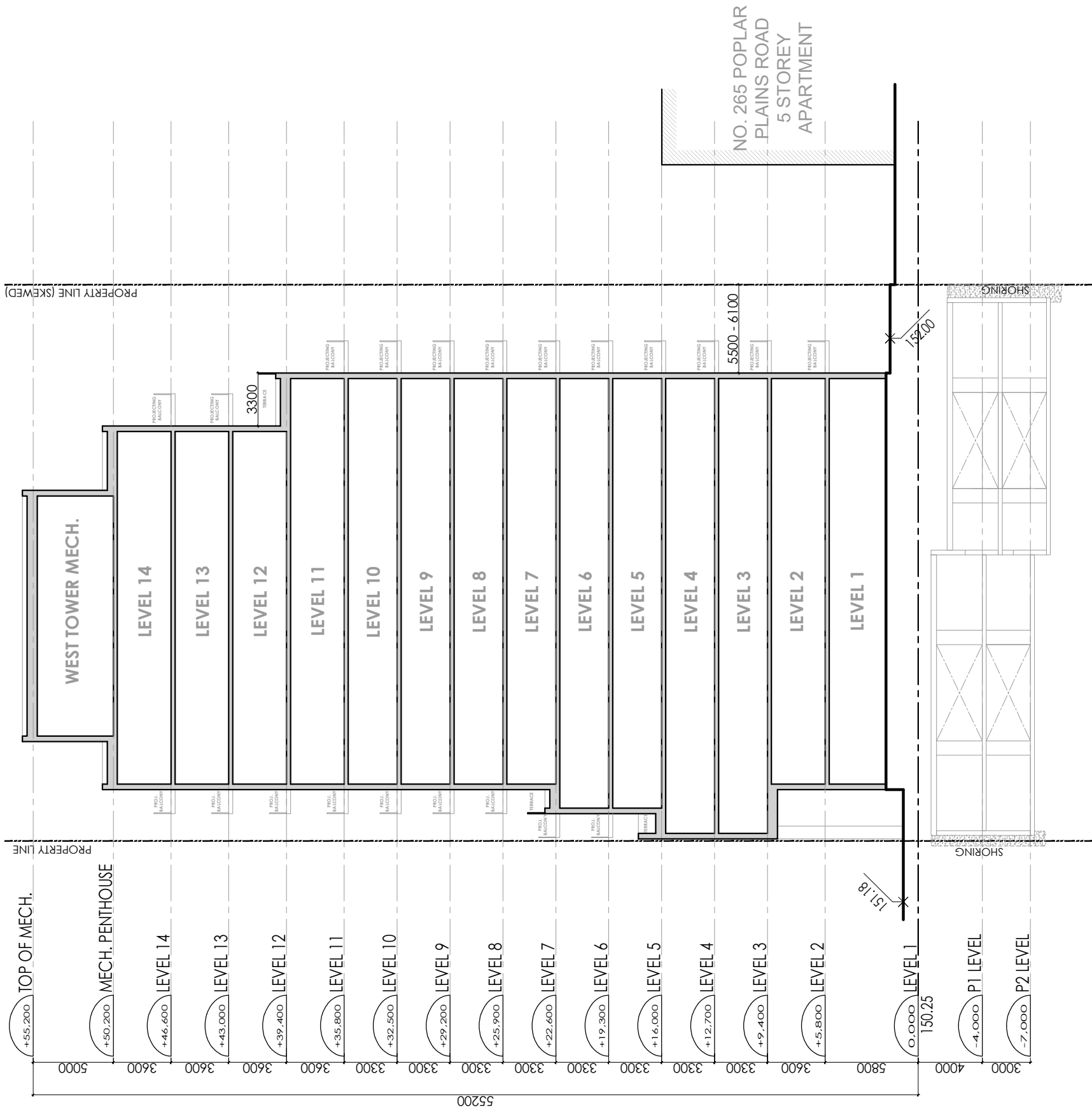
Ian Andres
INA/rr

cc: Raj Kehar, solicitor for RaDISH

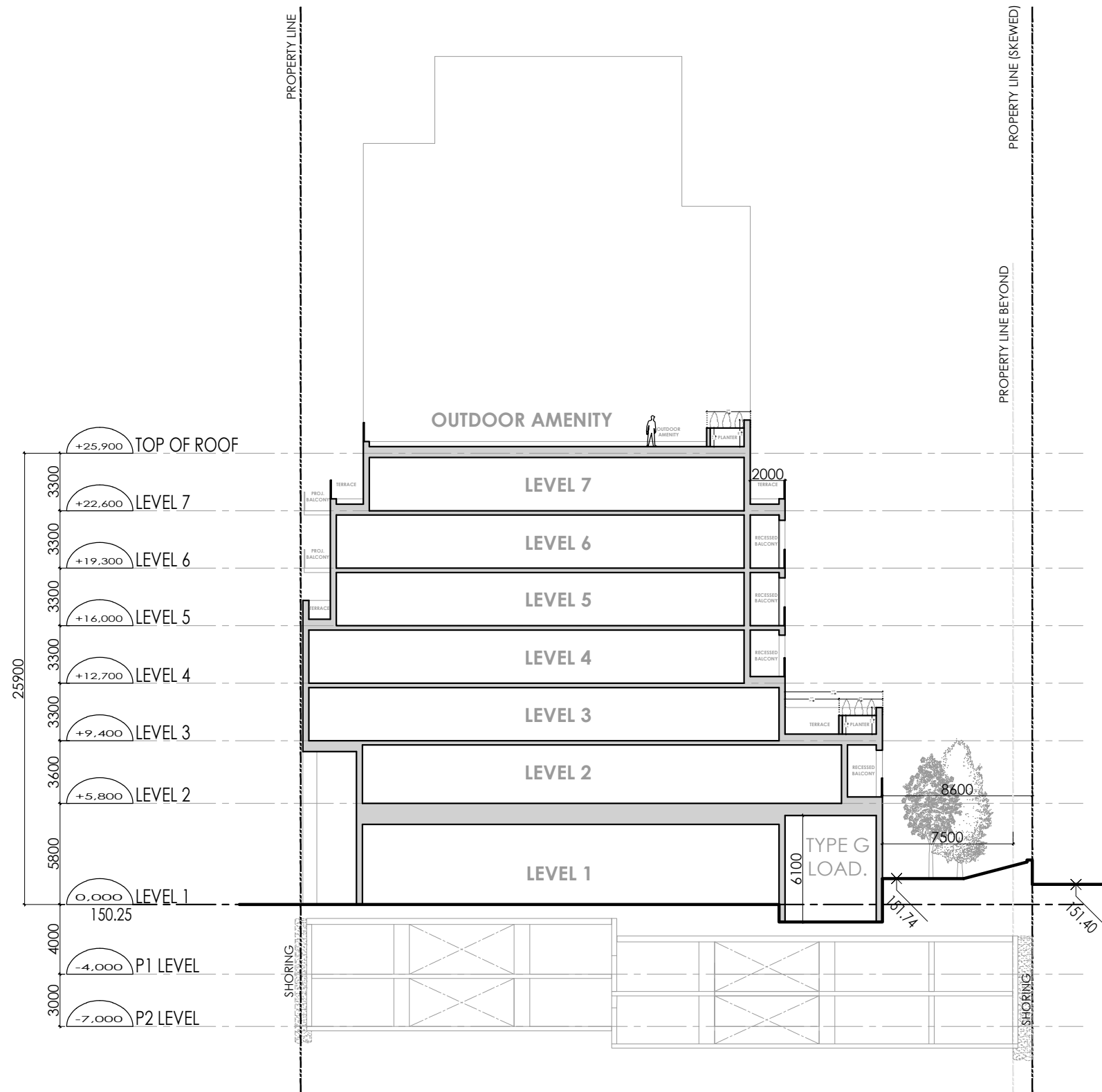
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POPLAR PLAINS ROAD

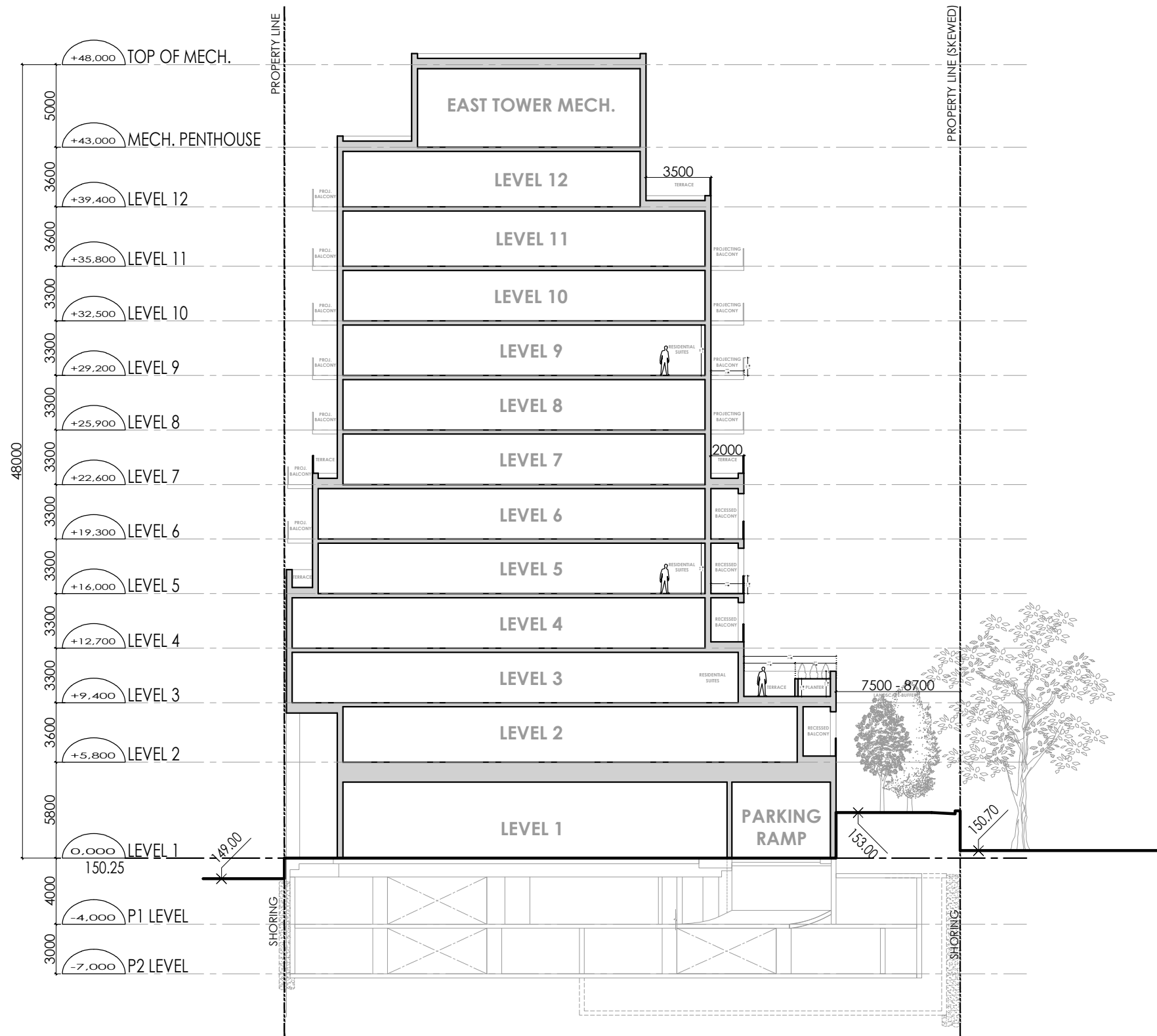




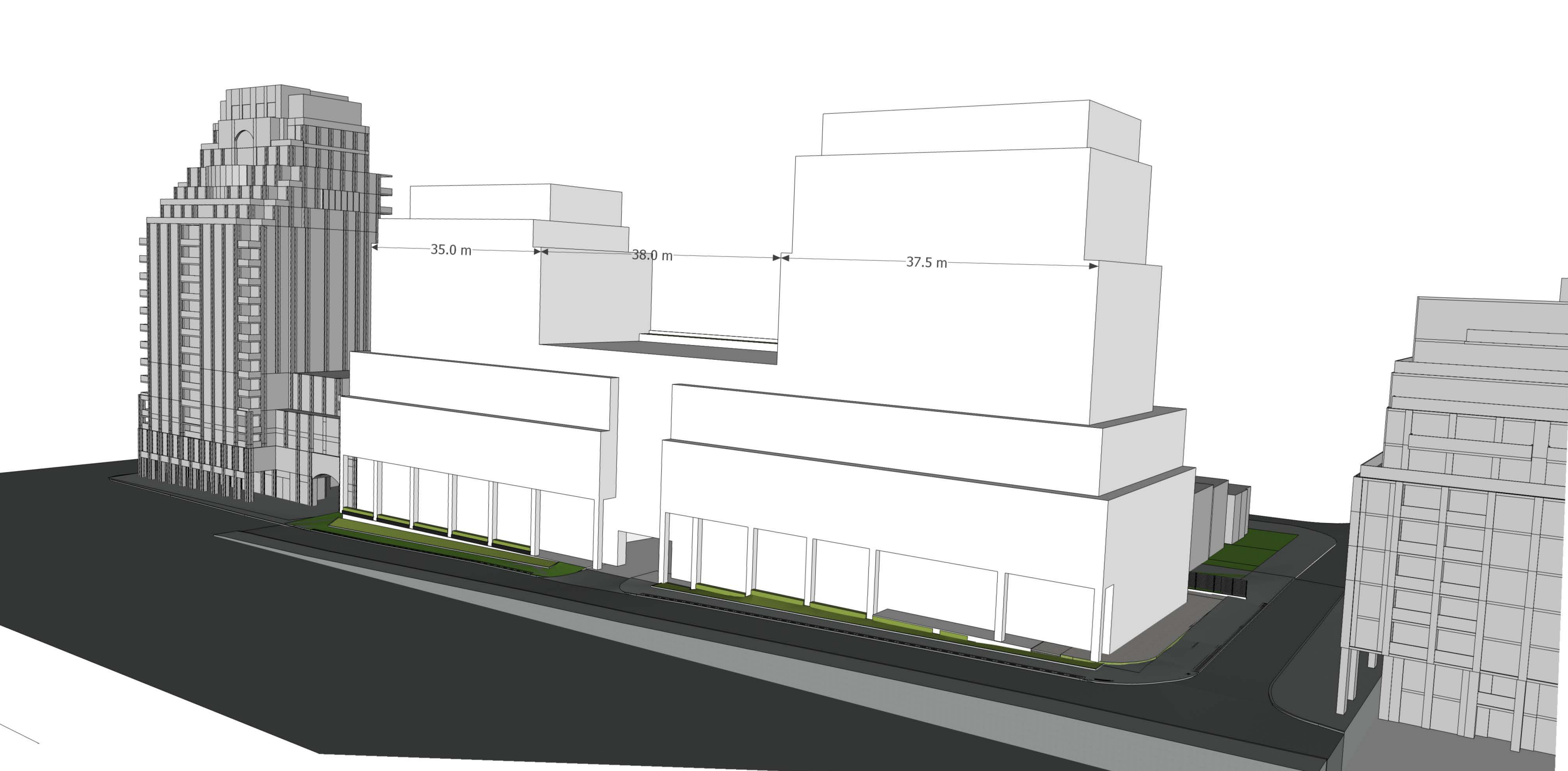
SECTION A THROUGH WEST TOWER



SECTION B THROUGH LOADING



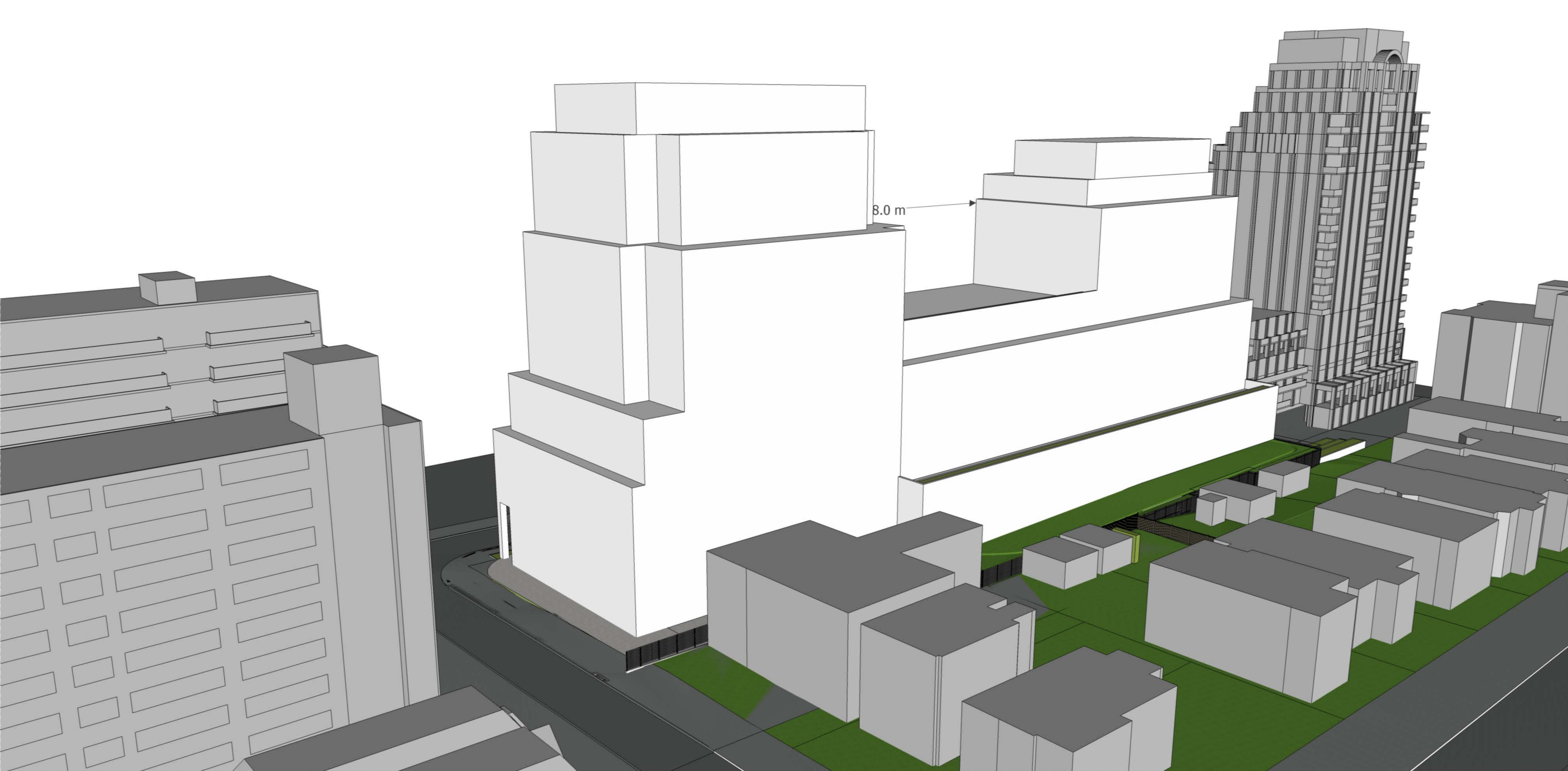
SECTION C THROUGH EAST TOWER



35.0 m

38.0 m

37.5 m



8.0 m

