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WITHOUT PREJUDICE

Our File No.: 233020

VIA EMAIL

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

Attention: Jessica Braun and Adam Ward

Dear Ms. Braun and Mr. Ward:

**Re: Official Plan Amendment, Zoning By-law Amendment and Site Plan Appeals
390-400 Woodsworth Road (the "Subject Property")
OLT Lead Case No. OLT-23-001324**

As you know, we are the solicitors for Windfield Estates Corporation (the "**Owner**") in respect of its official plan amendment ("**OPA**"), zoning by-law amendment ("**ZBA**") and site plan applications (collectively, the "**Applications**") to facilitate the redevelopment of the Subject Property, which were appealed to the Ontario Land Tribunal (the "**Tribunal**" or "**OLT**") on December 15, 2023 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 resolve the outstanding OPA and ZBA appeals based on certain changes to the development proposal which are the culmination of extensive settlement discussions with City staff.

Application and Appeal Process

The Subject Property is located at the southwest corner of Leslie Street and Stubbs Drive, between Highway 401 and York Mills Road. It has an overall site area of approximately 21,126 m², with frontages of approximately 197 m along Leslie Street, 161 m along Stubbs Drive and 222 m along Woodsworth Road. It is designated *Neighbourhoods* in the City's Official Plan and is currently occupied by 12 two-storey townhouse buildings along the Leslie Street frontage (comprising 48 rental housing units) and eight two-storey townhouse buildings along the Woodsworth Road frontage (comprising 32 rental dwelling units).

The Original Proposal

The Applications were initially filed in October 2021 to facilitate the redevelopment of the Subject Property through the demolition of the 12 existing townhouse buildings along Leslie Street and the construction of three new 8-storey mid-rise residential buildings, accommodating 326 new dwelling units and 53 rental replacement units (the “**Original Proposal**”).

The Original Proposal would have retained the eight townhouse buildings along the Woodsworth Road frontage, resulting in a total of 411 dwelling units on the Property, along with a private driveway with a right-in/right-out access to Leslie Street and an open space in the northwest corner of the site. A rental housing demolition application was also submitted to the City to address the proposed removal and replacement of rental units.

The Applications were deemed complete on November 23, 2021 and comments were subsequently received from City and agency staff. A community consultation meeting took place on April 21, 2022, during which the Ward Councillor and members of the public provided additional input on the Original Proposal.

The Revised Proposal

As a result of the feedback received from the public, City staff and agencies, the Owner made significant changes to the Original Proposal and filed a comprehensive resubmission of the Applications on August 28, 2023, including a full set of updated plans and supporting studies, in respect of its revised development proposal (the “**Revised Proposal**”).

While the Revised Proposal maintained the mid-rise component along Leslie Street, at the request of Housing Policy staff (to ensure replacement units are provided on a like-for-like basis), the eight townhouse buildings along the Woodsworth Road frontage were proposed to be demolished and replaced with 80 stacked three-bedroom townhouse units (each with an entrance at grade and a significant amount of private outdoor amenity space). Accordingly, the replacement units were eliminated from the mid-rise buildings.

The Revised Proposal was comprised of 603 dwelling units (including the rental replacement units), and the overall heights of two of the mid-rise buildings proposed along Leslie Street were modestly increased to 9 storeys (from 8) and 10 storeys (from 8), while the third remained at 8 storeys. Among other improvements, the Revised Proposal introduced several new public realm enhancements and an on-site public park dedication in the northwest corner of the site, and it eliminated the driveway entrance from Leslie Street. The arrangement of buildings continued to reflect the significant redevelopment opportunity available on the Subject Property, allowing for the creation of new housing with well-designed amenity spaces and streetscapes, while maintaining a compatible built form relationship with the established neighbourhood to the west.

As noted above, the Revised Proposal was subsequently appealed to the Tribunal as a result of the City’s non-decision on the Applications.

The OLT Appeal Proceedings

Following its receipt of the Appeals, the Tribunal scheduled a case management conference (“CMC”) on May 9, 2024.

On April 17, 2024, prior to the CMC, City Council considered an appeal report from Community Planning (Item NY12.7) and directed staff to attend at the Tribunal in opposition to the Revised Proposal, and to continue discussions with the applicant in an attempt to resolve outstanding issues.

In accordance with the Tribunal’s Rules, notice of the CMC was sent out in advance, and participant status was granted to several individual residents and to the York Mills Neighbours Association. The Tribunal also scheduled a 10-day hearing of the merits of the Appeals to commence on April 28, 2025 and issued a procedural order to govern the proceedings pursuant to its memorandum of oral decision dated June 25, 2024.

In light of the direction from City Council, the parties subsequently agreed to participate in formal mediation, as well as settlement discussions outside of the mediation process.

Current Settlement Proposal

Over the past three months the Owner and its consultants have engaged with City staff in productive and confidential discussions. We are grateful for the time and resources invested by the City and are pleased that it has resulted in a revised development proposal that we understand to be satisfactory to staff, subject of course to City Council consideration and acceptance.

Enclosed with this letter are materials which depict the revised development proposal, including: (i) a revised set of architectural plans, elevations, renderings and statistics prepared by TACT Architecture dated November 26, 2024; and (ii) a revised set of landscape and planting plans prepared by Studio TLA dated November 25, 2024 (collectively, the “**Settlement Proposal**”).

The enclosed materials demonstrate how the Settlement Proposal addresses the issues raised during our discussions and how the built form will be compatible with its surrounding context.

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

- The site plan continues to show three mid-rise residential buildings with heights of 10, 9 and 8 storeys along the Leslie Street frontage, with the westerly portions of Buildings A and B stepping down to heights of 9 and 8 storeys, respectively, and the southerly portion of Building C stepping down to 6 and then 4 storeys. Additional stepbacks have been also introduced above the 6th storey of each building along Leslie Street to ensure that the upper levels are set back 3.0 metres from the streetwall, and efforts have been made to set back the anticipated mechanical penthouse enclosures further away from the building edge along Leslie Street. The three new mid-rise buildings will encompass 533 dwelling units with appropriate amenity space and private balconies,

and this portion of the site will be re-designated from *Neighbourhoods* to *Apartment Neighbourhoods*. The wind impacts have been partially addressed through updated wind tunnel testing and mitigation measures; however, as a condition of approval, Urban Design staff require the applicant to provide a further updated wind study to confirm that the uncomfortable wind conditions at grade have been removed, and to continue exploring mitigation measures at site plan approval to improve comfort in proposed at-grade outdoor amenity areas.

- Consistent with the Amended Proposal, all 80 existing rental dwelling units will be replaced as three-bedroom stacked townhouse units within eight new buildings along the Woodsworth Road frontage. Each unit will have an entrance at grade and a significant amount of private outdoor amenity space. This portion of the site will retain its existing *Neighbourhoods* designation.
- The Owner is no longer proposing an on-site parkland dedication in the northwest corner of the Subject Property; rather this area will now be retained in private ownership and the existing municipal sewer easements encumbering this area will be upgraded to reflect current City standards. Most or all of the existing trees will be retained but the existing parking lot will be removed and restored to a natural state. This area will be also re-designated from *Neighbourhoods* to *Natural Areas* and enhanced with additional plantings conducive to the site-specific conditions.
- The Owner now intends to satisfy its parkland requirement by way of an off-site dedication. The Owner will use its best efforts to acquire a suitable off-site parkland dedication, in a size, location and configuration acceptable to the City, to be conveyed prior to the issuance of the first above-grade building permit for the development, subject to the conveyance being free and clear, above and below grade, of all easements, encumbrances and encroachments, in an acceptable environmental condition to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- In the event that the off-site parkland dedication is less than the value of the on-site parkland dedication that would otherwise be required, the Owner will pay cash-in-lieu to make up for the shortfall, prior to the issuance of the first above-grade building permit. For the purposes of determining whether any cash-in-lieu is payable:
 - The total value of the off-site parkland dedication would include the purchase price, real estate commissions of up to five percent, land transfer tax, and typical closing adjustments incurred, to the satisfaction of the General Manager, Parks, Forestry and Recreation; and
 - The total value of the off-site parkland dedication based on the items outlined above is subject to indexing based on the Construction Price Index between the

date the parkland is conveyed to the City and the issuance of the first above-grade building permit for the development.

- In the event that the Owner is unable to provide an acceptable off-site parkland dedication to the City, the owner will be required to satisfy the parkland dedication requirement through the payment of cash-in-lieu prior to the issuance of the first above-grade building permit.
- Vehicular access will occur from a new internal private driveway connecting Stubbs Drive and Woodsworth Road. The connection to Leslie Street contemplated in the Original Proposal has been replaced with a turning circle and privately-owned publicly-accessible open space.
- The one-storey underground garage will accommodate the required vehicular and bicycle parking spaces to the satisfaction of Transportation Services, storage lockers, waste storage areas, stormwater retention facilities and mechanical space. One type 'G' and two type 'C' loading spaces are located at grade. The northern wall of the garage has also been pulled back to ensure that the two large Silver maple trees next to the Stubbs Drive cul-de-sac will be protected and preserved. The Owner will also look for opportunities to preserve certain other existing trees where feasible.
- The Owner acknowledges that there is an existing municipal watermain within the Leslie Street right-of-way, with its exact location still to be determined. In the event that the watermain is located within 500 mm of the adjacent building wall, the Owner will work with City staff to find an appropriate engineering solution.

An OPA is required to re-designate the eastern portion of the Property as *Apartment Neighbourhoods* and the northwestern portion of the Property as *Natural Areas*, and to add a new Site and Area Specific Policy to guide the development. A ZBA is required to revise the zone category and to provide appropriate site-specific exceptions and development standards.

The Settlement Proposal is the culmination of a tremendous amount of effort to negotiate an appropriate form of development which will deliver much-needed housing to the community in the form of 533 new apartment units and 80 replacement rental units, within walking distance of a wide range of retail offerings and public amenities, along with a naturalized area in the northwest corner of the site (with below-grade municipal infrastructure). Most importantly, each of the existing townhouse units will be replaced with improved modern units of equivalent or larger size, with each existing tenant having a right to return in accordance with the City's standard policies. Moreover, the new buildings represent high-quality architectural design and will deliver a strong public realm and attractive landscaping, while avoiding negative impacts and fitting in comfortably with the neighbourhood.

The Owner and its consultants believe that the Settlement Proposal represents good planning and urban design, and is an appropriate resolution to the Appeals. It is consistent with the new Provincial Planning Statement and with the proposed OPA it will conform to the City's Official Plan, as it achieves appropriate intensification on a large site along an arterial road which is well serviced by municipal infrastructure and public transit.

We are hopeful that this Settlement Proposal will be accepted by City Council so that we may advise the Tribunal that the outstanding issues have been resolved in respect of the OPA and ZBA appeals and to request that a settlement hearing be convened as soon as can be accommodated, such that the hearing scheduled to commence in April 2025 will no longer be necessary.

The Owner agrees to request that the Tribunal withhold the issuance of any final order(s) until such time as the City Solicitor has advised that:

- a) the final form and content of the draft OPA and ZBA are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
- b) City Council has approved the rental housing demolition application 21 229478 NNY 15 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006*, and, should City Council authorize the demolition, that the applicant has entered into, and registered on title to the lands, an agreement pursuant to Section 111 of the *City of Toronto Act, 2006*, securing the replacement of the existing rental dwelling units, including unit mix, size and rents, tenant assistance to mitigate hardship, and other rental related matters, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
- c) The Owner has, at the Owner's sole expense:
 1. confirmed sanitary, stormwater and water capacity for the development to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 2. submitted a functional servicing report, stormwater management report and hydrogeological report ("**Engineering Reports**") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
 3. should the City accept Engineering Reports identifying that any upgrades or improvements to existing municipal infrastructure and/or new municipal infrastructure are required to support the development, those upgrades and improvements shall be designed and financially secured by appropriate development agreement(s) as a condition of site plan approval, and be constructed and operational prior to the issuance of any above-grade building permits for any development on the lands, all at the Owner's sole expense, and all to the satisfaction

to the Chief Engineer and Executive Director, Engineering and Construction Services, the General Manager, Toronto Water and the City Solicitor;

4. provided all necessary financial securities for transportation improvements in the area, including signal modifications and/or upgrades, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
5. made satisfactory arrangements to convey to the City any land dedications including road widening and site triangles, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
6. submitted a revised transportation impact study and a transportation demand management plan to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services and that such matters arising from the accepted transportation impact study and transportation demand management plan, be secured if required; and
7. submitted a revised pedestrian level wind study, to the satisfaction of the Chief Planner and Executive Director, City Planning.

The parties would also request that the Tribunal adjourn the outstanding site plan appeal *sine die*, to be brought forward for resolution at a later date once appropriate resubmission materials have been submitted by the Owner and reviewed and accepted by the City.

We understand that staff will be recommending that Council endorse the Settlement Proposal during its meeting commencing on December 17, 2024. If the Settlement Proposal is not accepted by Council during that meeting, it should be considered as withdrawn.

Should the Settlement Proposal be accepted by Council, the Owner consents to the public release of this letter and the revised plans.

Please let us know if any additional information is required.

Yours truly,

Goodmans LLP



Ian Andres
INA/rr

cc: Ornella Richichi, Nik Papapetrou and Tom Bosnjak