

AIRD BERLIS

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October 23, 2018

VIA EMAIL

Our File #132035

Alexander Suriano, City Solicitor
Legal Services
City of Toronto
26th Floor, Metro Hall
55 John Street
Toronto ON
M5V 3C6

Dear Mr. Suriano:

**Re: With Prejudice Settlement Offer
Applications for Official Plan and Zoning By-law Amendments
411-435 Roehampton Avenue
City File Nos. 16 225815 STE 22 OZ
LPAT Case No.: PL170596**

We act on behalf of Mt. Pleasant Roehampton Developments Limited, the applicant in connection with the above-noted applications.

In September 2016, our client applied for amendments to the Zoning By-law and Official Plan to permit the development of the properties at 413-431 Roehampton Avenue with a stacked townhouse project containing 52 dwelling units and one level of underground parking. Over the course of the past two years, and in response to public feedback and City staff comments, a series of resubmissions have been made and the site has been expanded to now include 411-435 Roehampton Avenue inclusive.

The City failed to render a decision on the applications within the time frame set out in the Planning Act and our client appealed the applications to the Ontario Municipal Board, now the Local Planning Appeal Tribunal ("LPAT"). The LPAT has scheduled a 5-day hearing to commence on November 26, 2018.

Our client and its team have continued to work with City staff, and we are writing to set out terms of a revised development proposal and settlement offer based on these recent discussions. This letter and the attached drawings dated October 22, 2018 are being provided to you on a with prejudice basis and reflect the revised proposal our client intends to seek to have approved by the LPAT. In order that you can seek instructions from City Council with respect to this settlement offer, we have agreed to jointly ask the LPAT to adjourn the November 26th hearing and schedule a new hearing date as soon as possible in the new year for a hearing based on the revised proposal. If you obtain instructions to

accept this offer, it is agreed that at the hearing next year we would jointly ask the Tribunal to issue its Decision allowing the appeal, in part, but withhold its Order until the preconditions identified in recommendations 3-5 of the Directions Report dated October 23, 2017 are satisfied.

A number of key revisions to the development proposal, as depicted on the attached drawings, are as follows:

1. A new 360 m² unencumbered public park will be created in the location and having the dimensions depicted on the attached drawings. The conveyance of this parkland will satisfy the applicant's full parkland dedication requirements pursuant to section 42 of the Planning Act. The park will be completed to base park condition and conveyed to the City prior to the earlier of three years from the issuance of the first building permit for the proposed building, occupancy of the proposed building and registration of a Plan of Condominium on the site. As recommended by staff in the Directions Report dated October 23, 2017, the applicant will also design and construct above base park improvements in exchange for equivalent development charge credits if City Council agrees to a development charge credit against the Parks and Recreation component of the Development Charges.
2. The original concept of one block of townhouses oriented to Roehampton Avenue and a second block of townhouses in the rear has been replaced with a single building oriented to the street and framing the new public park. A total of 28 units are proposed in the new building and the two existing semi-detached units at 411 and 435 Roehampton Avenue will be retained.
3. As reflected on the attached building statistics, the revised proposal contains a gross floor area of 4,657 m², excluding the two semi-detached units and the addition described in paragraph 11 below. We note that gross floor area has been calculated in accordance with By-law 569-2013 and as there is sometimes a question about the method of calculation under By-law 569-2013, this figure should be treated as approximate until reviewed by Toronto Buildings staff. The building envelope is, however, fixed.
4. Ground level terraces at the front of the north facing townhouse units will be located no more than 0.6 m below the adjacent finished grade.
5. The staircases to the north facing units facing on the south side of the new public park have been paired as depicted on the attached drawings.
6. Of the seven ground level rear facing units in the building, a minimum of three will contain 3 or more bedrooms.
7. The side yard setbacks for the proposed building have been increased to 0.45 m from the proposed lot lines of the two semi-detached houses, as depicted on the drawings.
8. The top storey of the proposed building has been stepped back a minimum of 1.5 m from the front wall of the storey below for six of the seven north facing units. This

will not apply to the central seventh north facing unit which is being stepped back as described in paragraph 9 below.

9. The top two storeys of the central north facing unit have been stepped back as depicted on the attached drawings, with the intention of creating a visual break between the three north facing units on the west and the three on the east.
10. The eastern portion of the building, located south of the new park, will have a minimum rear yard setback of 13.2 m (excluding the terraces and stairs), and the western portion of the building will have a minimum rear yard setback of between 20.5 m and 25 m (excluding the terraces and stairs).
11. A two-storey rear addition may be added to the rear of the existing semi-detached unit at 435 Roehampton Avenue which will have the effect of preventing views into units between the north facing windows of the new building and the south facing windows of the semi-detached house. If the applicant elects not to construct the two-storey addition, then alternate architectural design elements shall be incorporated into the design of the new building and/or added to the semi-detached house in order to prevent such views.
12. The rooftop pop-ups have been reduced in size and will contain only a small mechanical room and an exit stairwell to provide access to the roof.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Kim M. Kovar
KMK/mn

cc: Client
encl.

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