

Attachment 2 – Confidential Communication dated June 6, 2016

AIRD & BERLIS LLP

Barristers and Solicitors

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June 6, 2016

Our File No: 128674

WITHOUT PREJUDICE AND CONFIDENTIAL

COURIER AND EMAIL

Abbie Moscovich
Solicitor, Planning & Administrative Tribunal Law
City of Toronto, Legal Services
Metro Hall
26th fl., 55 John St.
Toronto ON M5V 3C6

Dear Ms. Moscovich:

Re: Settlement Offer
3057-3067 Bayview Avenue & 1 Burleigh Heights Drive, City of Toronto
OMB Case No. PL160059
City File Nos.: 15 186678 NNY 24 OZ & 15 186694 NNY 24 SA

We act on behalf of 2445225 Ontario Inc., the owner of the above-noted lands, located at the southeast corner of Bayview Avenue and Burleigh Heights Drive, south of Finch Avenue in the City of Toronto.

We are writing to provide the following without prejudice offer for City Council's consideration. The offer is conditional upon acceptance by City Council at its meeting commencing July 12, 2016.

We are offering to proceed to the upcoming OMB hearing, scheduled for four days starting on September 27, 2016, based on a revised development proposal incorporating the changes described below. These changes are reflected in the revised plans dated June 3, 2016 (issued June 6, 2016), attached to this letter. If City Council supports the revised proposal we will formally revise the Official Plan, Zoning By-law and Site Plan appeals before the Board and proceed to a hearing on that basis.

Since the submission of the applications on July 7, 2015, our client and its consultants have worked with City Planning staff to revise the architectural drawings dated June 19, 2015 (issued on June 22, 2015) to respond to comments from City staff. The following is a description of the key revisions that have been made to the proposal in response to City staff's requests, which were communicated to our client and its consultants at a meeting held on March 30, 2016 and which were further outlined in the Request for Direction Report dated May 27, 2016:

- a. the building massing on Block 1 has been revised so that it does not encroach into a 45 degree angular plane (measured from the rear property line);
- b. the building massing on Blocks 2 through 4 do not encroach into a 35 degree angular plane (measured from the rear property line)¹;
- c. the number of townhouses proposed has been reduced from 22 to 21 as a result of the revised massing and Block 1 has thereby been reduced by 1 unit;
- d. the ground floor elevation has been lowered on Block 1 so that all townhouse entrances are no more than 5 risers from adjacent grade;
- e. the townhouse units have been "symmetrically paired" by providing more articulation of the front façade and rooflines and through changes in massing, materials, details and architectural style;
- f. the rear yard setback for Block 1 has been increased from 7.3 m to 9.5 m ;
- g. the gross floor area has been reduced from 4978.78 sq. m to 4921.34 sq. m;
- h. the coverage has been reduced from 47.5 % to 45.21%;
- i. the underground parking ramp and structure has been shifted 1.7 m towards the front property line to allow for a 4.5 m landscape buffer along the length of the rear property line;
- j. a 3 m landscape setback along Bayview Avenue and Burleigh Heights Drive is provided;
- k. the terraces over the parking garage have been lowered closer to grade and pulled away from the neighbourhood to minimize potential overlook onto neighbouring properties;
- l. the building entrance for Lot 1 now has a direct pedestrian connection to Burleigh Heights Drive;
- m. the sidewalk along Bayview Avenue and Burleigh Heights Drive has been increased to 2.1m in width;
- n. private utilities including gas and hydro meters are now proposed to be provided in the below grade parking garage;
- o. AC units are now provided on the roof so that they are not visible along street frontages;

¹ Due to the unusual configuration of the property line along the rear of the property, the massing does not comply to the 35 degree angular plane where the property line turns and runs east-west as a side yard condition.

- p. large growing tree species have been provided in the rear landscape buffer to provide privacy in the existing neighbourhood;
- q. variety in the landscape planting scheme along Bayview Avenue has been provided;
- r. rear yard fencing does not extend into the front landscape setback of 3 Burleigh Heights Drive;
- s. additional street tree planting has been provided along Bayview Avenue;
- t. a centralized onsite mail facility for Canada Post Delivery is now provided; and
- u. individual garbage storage has been reconfigured so that it does not encroach within the 3 m landscape buffer and is now screened by a masonry landscape wall at the front of each unit.

This offer responds substantively to the issues raised by City Planning staff. As noted above, it is our intention that if Council accepts this offer we will proceed to the OMB on the basis of these revisions. Accordingly, upon acceptance by City Council, this letter and the drawings submitted in connection therewith may be made public.

Should you have any questions, please do not hesitate to contact the undersigned or Laura Dean of our office at 416.865.7706.

Yours truly,

AIRD & BERLIS LLP



Kim M. Kovar
KMK/LD

cc. Client
M. Goldberg

encl.

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AIRD & BERLIS LLP

Attachment 3 – Confidential Communication dated June 29, 2016

Abbie Moscovich

From: Kim Kovar <kkovar@airdberlis.com>
Sent: June-29-16 9:03 PM
To: Abbie Moscovich
Cc: Michael Goldberg - Goldberg Group (mgoldberg@goldberggroup.ca); Todd Trudelle (ttrudelle@goldberggroup.ca); Harry Hashemi (harry@bhbdevelopment.com); lauren@nwainc.ca
Subject: 3057-3067 Bayview Ave and 1 Burleigh Heights Drive WITHOUT PREJUDICE AND CONFIDENTIAL

I am writing further to our without prejudice settlement offer of June 6, 2016. Further to our meeting this afternoon, this will confirm that our client has agreed to make the following amendments to said offer. All other terms of the previous offer remain the same.

The further revisions, made to respond to the requests of City staff, are as follows:

1. The plans have been revised so that the development on all lots will now comply with the 35 degree angular plane, provided that elevator overruns on Block 1 will be permitted to encroach above the roof into the 35 degree plane.
2. The plans have been revised so that a 9.5m minimum setback is provided from 3 Burleigh Heights Drive with the exception of a saw-tooth portion of the development opposite the southwest corner of 3 Burleigh Heights Drive which will be setback a minimum of 7.865m.
3. As a result of these further revisions the proposed gross floor area has been reduced from 4,921.34 m² in our June 6th without prejudice offer, to 4,680.63 m², a reduction of 240.71 m².

The plans dated June 29, 2016 provided at our meeting this afternoon reflect the foregoing. As discussed, given the shortness of time, the project architect did not have time to update the setbacks noted on the stats table, but the increased setbacks shown on the plans are accurate. As well, the height of the elevator overruns will be reduced from that shown on the plans. We will send you the updated plans as soon as these revisions are incorporated, but you can otherwise rely on the set provided today for your report to Council.

Finally, as discussed today, the interior lay-out of the units has not been finalized, and the location of the break between Block 1 and Block 2 may shift by one unit. Accordingly, a recommendation that development proceed in accordance with the current plans would not be appropriate. Instead, a recommendation that the development will come no closer to the adjacent properties than the 9.5m and 7.865m setbacks shown on the plans, and that it shall comply with the 35 degree angular plane requirement, except for the elevator overruns, would be acceptable.

If City Council approves of this proposed settlement, we will be pleased to work with you and City staff to finalize an appropriate form of Zoning By-law Amendment and Official Plan Amendment prior to the OMB hearing such that the Board can issue a decision and order allowing the Zoning and OP appeals in part at the conclusion of the hearing. With respect to the site plan appeal, it is our hope that we can also settle the terms of the NOAC prior to the hearing, and our team is working to finalize it's site plan resubmission at this time. It is our intent to be able to submit same as soon as we have Council's decision on July 12-14.

We will provide you with the updated plans shortly. Should you require anything further from us in order to complete your report to Council, please let me know. Thanks.















