



June 14, 2018

Our File No.: 00-1748

Ritchie Ketcheson Hart & Biggart LLP
1 Eva Road, Suite 206
Toronto, Ontario M9C 4Z5

Attention: Mr. Andrew Biggart

-and-

Metro Hall
55 John Street, 26th Floor
Toronto, Ontario M5V 3C6

Attention: Ms. Kelly Matsumoto, City Legal

Dear Sir / Madame:

Re: WITHOUT PREJUDICE OFFER TO SETTLE the appeal of Official Plan Amendment 231 on behalf of the property municipally known as 225 BIRMINGHAM STREET in the former City of Etobicoke

OMB File No.: PL140860

MMAH File No.: 20-OP-146732-231

As you are aware, we are the solicitors for Menkes 225 Birmingham Street Inc., the applicant/appellant with respect to the above-noted matter. Over the past 25 months, our client had been working cooperatively with City Staff in an effort to resolve all outstanding design issues relating to the proposed townhouse development, which revisions have included the following:

1. Convert Block 12 (northeast block fronting on to Birmingham) from 4-storey residential block (8 units) to a 2-storey retail block with 557.42 sm (6000 ft²) of commercial space;
2. A new east/west private roadway has been provided to enhance vehicular circulation and access within the Site;
3. The private driveway's road profile has been widened to consist of a minimum:
 - o 3m landscape strip (increased from 2m) The wider 3.0 m landscape buffer on the west side of the north/south private road (on blocks 2, 3, 4 , 5 and 6) provides sufficient width to allow for the design of such "end units" to now front onto the private road

- with the agreed upon encroachment of steps to a front door within this increased landscaped buffer area;
- 2.1m sidewalk plus the curb (increased from 1.7m including the curb);
 - 8 metre pavement (previously 8m along some portions and increased from 6m along a portion of the north/south);
4. Wrap around porches have been introduced wherever possible along a flanking street so as to ensure that all possible frontages are “addressed”;
 5. The sidewalk has been removed from the eastern side of the north/south road so as to accommodate a wider 3 metre landscaped strip adjacent to Blocks 1, 7, 8 and 9;
 6. The outdoor amenity space has been relocated so that it fronts onto two (2) “streets” creating visual “openness” and accessibility to the space for residents and visitors. Adjacent to this central community amenity space are the mailboxes and a common bike storage area which area is easily accessible by all of the townhomes and directly adjacent to an underground parking garage access stair;
 7. Units located along Birmingham Street have been shifted northward (reducing the setback from 4.55 m to 2.5 m) in order to increase the width of the east/west private street;
 8. A vehicular “turn around” has been provided at the south end of the north/south private street in order to ensure convenient and efficient circulation within the Site for all types of vehicles;
 9. The loading space has been incorporated into new the “turn around” area at the south end of the Site adjacent to the rear wall of block 1 to reduce negative visual impacts of the space;
 10. The parking ramp has been moved to the south side of Block and allowed it to be “tucked away” and screened from the rest of the development;
 11. The townhomes located along the western property line have been stepped at each floor to generally comply the requested 45° angular plane from the “Neighbourhoods designated” properties to the west with a minimum setback to the westerly lot line of Blocks 2, 3, 4 and 5 at 5.0 m as previously agreed;
 12. By widening the southern portion of the north/south private road from 6 to 8 metres, we have been able to accommodate additional on street parallel parking spaces, taking the total number of on street spaces from 11 to 23 in order to provide convenient visitor parking for visitors to the residential units within the Site;

13. All stairs leading to the underground parking level have been relocated to create unobstructed walkways between blocks;
14. As result of the above noted revisions the Gross Floor Area has been reduced from 25,994.7 sm to 22,838.7 sm (including non-residential and residential); and
15. The number of residential units has also been reduced from 226 to 200 as a result of the revisions.

The final issue to be resolved relates to our client's appeal of the Employment policies, which our client had hoped to resolve by the introduction of a 557.42 sm (6000 ft²) retail component which was included on a "without prejudice" basis in order to allow both our client and the City to finalize an approval without the necessity of an Ontario Municipal Board Hearing. More specifically, our client is writing to confirm that if City Staff brings forward a report in support of the settlement plans currently on file with the City, with a Section 37 contribution in the amount of 3.0 million dollars payable upon the issuance of the first above-grade building permit, and on the further condition that the unencumbered parkland provided on site is confirmed to be in full satisfaction of all parkland dedications pursuant to Section 42 of the Planning Act and that such parkland requirement is agreed to be in accordance only with policies in effect on the date of this letter, our client will enter into the necessary agreement to secure both the aforementioned contribution and the introduction of the non-residential uses, with a further commitment to formally withdraw our client's appeal of OPA 231.

Finally, we have also agreed to the form of the Site and Area Specific Policies, a copy of which is attached hereto.

Please be advised that this offer is valid on the condition that this proposal is approved by City Council on or before the Council meeting starting on June 26, 2018.

Yours very truly,



Adam J. Brown

cc: Councillor Mark Grimes
Mr. Jude Tersigni, Menkes 225 Birmingham Street Inc.

1. Map 2, Urban Structure, is amended by deleting *Employment Areas* on the lands known municipally in 2018 as 225 Birmingham Street.
2. Map 15, Land Use Plan, is amended by re-designating the lands known municipally as 225 Birmingham Street from *Employment Areas* to *Mixed Use Areas* for lands identified as Area 'A', *Employment Areas* to *Apartment Neighbourhoods* for lands identified as Area 'B', and *Employment Areas* to *Parks and Open Space Areas – Parks* for lands identified as Area 'C', as shown on the attached Schedule A.
3. Map 8A, City Parkland, is amended by adding a park no less than 2,700square metres in size at 225 Birmingham Street for the lands identified as Area 'C', as shown on the attached Schedule A, with remaining parkland dedication requirements under Section 42 of the Planning Act provided as cash-in-lieu and in accordance with City parkland dedication policies in-force as of June 2018.
4. Schedule 2, The Designation of Planned but Unbuilt Roads, is amended by adding a planned but unbuilt road extending from Twelfth Street to Birmingham Street, as shown on the attached Schedule A.
5. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 554 for the lands known municipally as 225 Birmingham Street, as follows:

'554. 225 Birmingham Street

- i. On the lands shown as Area 'A' and Area 'B' on Schedule A the following development criteria will apply:
 - a. Private roads with a pavement width of 8 m will provide for internal circulation and will consist of:
 1. A north/south private road with access to Birmingham Street and extending to the south. A vehicle turn around shall be provided at the southern extent of the road to accommodate the turning radius of all types of vehicles.
 2. An east/west private road providing a connection between the new public road and the north/south private road.
 - b. Sidewalks will be provided, where appropriate, to ensure safe and convenient pedestrian access and routes to local streets.
 - c. Sidewalks, where required, will have a minimum clearway of 2.1 metres excluding curbs.
 - d. Townhouses dwellings and/or apartment buildings are permitted to a maximum building height of 4-storeys above grade.

- e. A maximum residential gross floor area of 22,000 square metres is permitted.
 - f. A maximum of 200 dwelling units is permitted.
 - g. On a private street the minimum landscaped building setback, which permits stair and porch encroachments, is 3.0 metres from the sidewalk or the curb where there is no sidewalk.
 - h. On Birmingham Street the minimum landscaped building setback, which permits stair and porch encroachments, is 2.5 metres from the sidewalk.
 - i. On Twelfth Street the minimum landscaped building setback, which permits stair and porch encroachments, is 3.3 metres from the sidewalk.
 - j. Notwithstanding policy i.i., the minimum landscaped building setback on Twelfth Street for the commercial building is 1.8 metres from the sidewalk.
 - k. The minimum setback from the west lot line is 5.0 metres.
 - l. The minimum rear yard setback from a townhouse or apartment building to the most southerly lot line is 7.5 m.
 - m. The minimum facing distance between buildings will be 12.0 metres.
 - n. Notwithstanding Policy i.m., the minimum facing distance between buildings containing below-grade entrances will be 15.0 metres.
 - o. The maximum height of a main building wall will be 11.5 metres.
 - p. Built form and landscaping will be used to screen service areas from adjacent sites
- ii. On the lands shown as Area 'A' on Schedule A, the following policies apply in addition to i.:
- a. The northeast portion of Area 'A' fronting Birmingham Street will be used for retail, office and service commercial uses in a minimum two (2) storey building with a minimum combined gross floor area of 557 square metres.

- b. The retail, office and service commercial building will be completed prior to or in conjunction with the construction of the residential uses in Area 'B'.
- iii. On the lands shown as Area 'B' on Schedule A, the following policies apply in addition to i.:
- a. The maximum height of a main building wall will be 11.5 metres, with any additional height fitting within a 45 degree angular plane originating from the top of the main building wall.
 - b. The building and mechanical equipment must fit entirely within a 45-degree angular plane drawn from the nearest *Neighbourhoods* designated lot line.
 - c. No balconies are permitted on the west facing elevations of a building located along the western lot line abutting *Neighborhoods*.
 - d. An at-grade outdoor amenity area will be provided at a rate of 1.9 square metres per unit and will be consolidated to provide a central green space. This space shall front onto two (2) roads, creating visual openness and accessibility for residents and visitors.
- iv. The execution of an agreement to the satisfaction of the City to secure:
- a. land to be dedicated as public parkland is shown as Area 'C' on Schedule A.
 - b. 18.5 metre wide ROW from Twelfth Street to Birmingham Street to satisfy the requirement for a public road, as shown on Schedule A.

Schedule A

