



Michael Melling
michaelm@davieshowe.com
Direct: 416.263.4515
Main: 416.977.7088
Fax: 416.977.8931
File No. 703520

Without Prejudice

June 27, 2018

By E-Mail Only to *mcrowfo1@toronto.ca*

Mr. Mark Crawford
Solicitor, Planning and Administrative Tribunal Law
City of Toronto Legal Services
55 John Street, 26th Floor, Metro Hall
Toronto, ON
M5V 3C6

Dear Mr. Crawford:

**Re: Settlement Offer
3002, 3004, 3006, 3010 and 3014 Islington Avenue (the "Subject Site")
Appeals of Official Plan Amendment, Zoning By-law Amendment and
Draft Plan of Subdivision Applications
L.P.A.T. Case No: PL180156**

As you know, we are counsel to Cal-Muir Developments Inc., the owner of the Subject Site, legally described as Part of Lot 1, Registered Plan 2388.

Background

On December 23, 2015, our client submitted applications to the City for an official plan amendment, zoning by-law amendment and site plan approval for the Subject Site to permit the development of 136 residential units contained within 7 stacked townhome blocks, a private condominium road and associated parking areas (collectively, the "**Original Application**").

After extensive public consultation, the Original Application was revised in order to address comments received from the community and City staff. The revised proposal reduced the scale and density of the proposed development to 60 residential units made up of 9 townhome blocks. The proposed units are intended to be freehold units, tied to a private common element condominium driveway.

Given that the proposed unit tenure changed from standard to common element condominium, a draft plan of subdivision application was required in order to create a development block to facilitate future applications for exemption from Part Lot Control.

Accordingly, a draft plan application was submitted to the City on February 14, 2017, along with revised applications for an official plan amendment, zoning by-law amendment and site plan approval (collectively, the “**Revised Applications**”).

The Revised Applications were appealed to the Ontario Municipal Board, now the Local Planning Appeal Tribunal (the “Tribunal”), between March 8 and 21, 2018 based on Council’s refusal of the official plan and zoning by-law amendment applications and Council’s failure to make a decision on the draft plan and site plan applications within the time period set out in the *Planning Act* (collectively, the “**Appeals**”).

The Offer

Our client and its consultants have continued to engage in without-prejudice discussions with City Staff in attempt to reach a resolution of the Appeals prior to the Tribunal Hearing.

Based on feedback and input from Staff, our client is prepared to present a further-revised proposal on a without-prejudice basis (the “**Offer**”). It specifically responds to comments from Community Planning, Urban Design, Transportation and Engineering. In particular, it includes:

Community Planning

- a) A reduction in the total number of units from 60 to 46;
- b) A new public right-of-way (“ROW”) terminating in a cul-de-sac, in addition to a private rear lane;
- c) A reduction in units abutting the westerly property line from 15 to 14; these units are proposed to front onto the public ROW, and the width of the unites has increased to a minimum of 6m;
- d) The number of units in the “island” has been reduced to from 18 to 8, and they are now rear-lane townhouse units with frontage on a public ROW;
- e) A sidewalk has been proposed along the new public ROW, and as a result, every unit now has frontage on a public ROW with a sidewalk;
- f) The flankage setback along Muir Avenue has increased from 6.03m to 8.19m;
- g) The front yard setback along Muir Avenue has increased from 2.05m to 3.05m; and
- h) The front yard setback along Islington Avenue has increased from 1.2m to 3.0m.

Urban Design

- i) Individual solid waste storage areas have been provided for each unit, in compliance with the City's Solid Waste Guidelines, and waste can be collected via the three public road frontages by municipal pick-up;
- j) The outdoor garbage screening at Block 3 facing Muir Avenue has been removed and replaced with indoor garbage storage; additional plantings have been provided in this area;
- k) The sidewalk along Street 1 has been extended, and now includes two pedestrian crossings; the sidewalk will pass beyond the proposed mailbox and will terminate at Unit 38; and
- l) The fencing alignment for Block 4 has been revised to match the south-facing wall, increasing the setback from Muir Avenue.

Transportation

- m) The Site plan has been updated to include a notation at the pedestrian crossing between units 24 and 26 which references City Detail T-310.050-1; and
- n) The graphic representation of the sidewalk has been updated on the Site Plan to provide lines on both sides of the pedestrian path.

Engineering

- o) Matters including stormwater management analysis, watermain services and connection, flow tests, sanitary analysis, ground water and de-watering have been addressed in the updated *Functional Servicing Report* appended to this settlement proposal.

In documentation of the terms outlined above, please find enclosed the following materials for the City's consideration:

- A Draft Official Plan Amendment;
- Draft Zoning By-law Amendments for By-laws 7625 and 569-2013;
- A revised Site Plan dated June 19, 2018 (Hunt Design Associates Inc.);
- A revised Landscape Concept Plan dated June 13, 2018 (Strybos Barron King Landscape Architecture);

- A revised Draft Plan of Subdivision dated May 30, 2018, reflecting the new public ROW (KLM Planning Partners Inc.); and
- A revised *Preliminary Servicing and Stormwater Management Study* dated June 1, 2018 (Candevcon Limited).

We respectfully request that this Offer be presented to Council prior to or at its final meeting on July 23 - 25, 2018 in order for the City to have a position in advance of the Prehearing Conference scheduled for December 18, 2018. If the Offer is acceptable, we propose that the Parties jointly request that the first Prehearing Conference be converted into a Settlement Hearing.

Our client is committed to continuing to work with Staff to resolve any concerns with the Offer prior to the Prehearing Conference/Settlement Hearing so that the Tribunal can consider and determine all of the Appeals.

We look forward to receiving your response. If you have any questions or require further information in advance of presenting the Offer to Council, please do not hesitate to contact us.

Yours sincerely,
DAVIES HOWE LLP


per: Michael Melling

MWM:mk

encls.: As above

copy: Mr. Ryan Virtanen, KLM Planning
Client