

AIRD BERLIS

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July 13, 2018

VIA EMAIL

Our File #133721

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

Dear Mr. Suriano and Ms. O'Connor:

**Re: With Prejudice Settlement Offer
Applications for Official Plan and Zoning By-law Amendment and
Site Plan Control
847-871 Sheppard Avenue West, City of Toronto
City File Nos. 16 262666 NNY 10 OZ and 17 238459 NNY 10 SA
LPAT Case No.: MM180028
LPAT File Nos.: MM180028, PL180283, PL180284**

We act on behalf of Sheppard and Faywood Developments Inc., the owner of the above-noted lands. The lands are located west of Faywood Boulevard on the south side of Sheppard Avenue West in the City of Toronto.

The lands have been subject to previous development applications by former owners of the lands. Official Plan and Zoning By-law Amendment applications to permit two 9-storey mixed use buildings on the lands were approved in principle by the Ontario Municipal Board in its decision dated October 25, 2012 (PL120596).

Our client has subsequently acquired the site and filed new Official Plan and Zoning By-law Amendment applications on December 9, 2016. A related rental housing demolition application was submitted in January 2017. A Site Plan Control application was submitted on September 25, 2017. The original proposal contemplated the development of seven 5-storey stacked townhouses with a total of 172 units, including 7 rental units to replace the existing 16 rental units. The applications were revised on September 25, 2017 and again on February 20, 2018 in response to input received.

On March 28, 2018, our client appealed the subject applications to the Local Planning Appeal Tribunal (previously Ontario Municipal Board). A prehearing conference has been scheduled for November 5, 2018.

Since the last submission made on February 20, 2018, our client has received comments from City Staff indicating that they are generally supportive of the design and built form of the revised proposal. The comments we have received are minor and technical in nature, and relate to site plan matters only. No changes respecting height nor density are being proposed.

Accordingly, we are writing to provide this with prejudice settlement offer to respond to staff's comments for City Council's consideration at its meeting commencing on **July 23, 2018**. Our client is prepared to proceed to the Local Planning Appeal Tribunal based on the revised development proposal as described below and reflected in the enclosed materials.

	December 2016 Submission	February 2018 Submission	June 2018 Settlement Offer
GFA (m²)	18,449	16,702	16,702
FSI	1.98	1.79	1.79
Height	14.47 m (5 storeys)	13.9 m (5 storeys)	13.9 m (5 storeys)
Residential Units	172 (including 7 rental units)	162 (including 7 rental units)	162 (including 7 rental units)
Parking	168 resident 26 visitor	154 resident 26 visitor	156 resident 26 visitor

It is our understanding that the enclosed materials would adequately address the minor site plan comments raised by City staff. In support of our settlement offer to the City, the following materials are being sent directly to Doug Stiles, Planner together with his copy of this letter:

- **One (1)** completed Development Approval Resubmission Form and Revised Project Data Sheet;
- **Three (3)** copies of the Response to Comments Matrix;
- **Three (3)** copies of the Architectural Response Letter, dated June 1, 2018, prepared by SRN Architects;
- **Five (5)** sets of the Architectural Plans, dated June 1, 2018, prepared by SRN Architects;
- **Three (3)** copies of the Toronto Green Standard Checklist;
- **Five (5)** sets of the Landscape Plans (L100, L101, L102, L103, L200) dated June 5, 2018), prepared by SBK;
- **Five (5)** copies of the Tree Inventory and Preservation Plan (V100), dated June 5, 2018 prepared by SBK;
- **Three (3)** copies of the Landscape Response Letter, dated June 8, 2018, prepared by SBK;
- **Three (3)** copies of the Arborist Report, dated June 7, 2018, prepared by SBK;

- **Three (3)** copies of the Functional Servicing Report, dated June 2018, prepared by GHD;
- **Three (3)** copies of the Stormwater Management Implementation Report, dated February 2, 2018, prepared by GHD;
- **Three (3)** copies of the Hydrogeological Assessment (Updated), dated June 6, 2018, prepared by GHD
- **Three (3)** copies of the Engineering Response letter, dated June 6, 2018, prepared by GHD;
- **Three (3)** copies of the Transportation Update, dated June 9, 2018, prepared by BA Group;
- **Three (3)** copies of the Phase II ESA, dated May 15, 2018, prepared by GHD;
- **Three (3)** copies of the Phase II ESA – Conveyance Lands, dated May 15, 2018, prepared by GHD; and
- **One (1)** DVD-RW of digital copies of submission materials.

The settlement offer is based on the following terms:

1. The architectural plans dated June 1, 2018 will be further revised to a) incorporate a passage way through the building allowing pedestrians to access the rear of the property from the courtyard located between blocks B and C and b) alter the unit entrances in order to provide a visual connection between the doors to all units and the sidewalk on Sheppard Avenue West, all as generally depicted on the attached sketch dated July 12, 2018;
2. This offer resolves the outstanding issues related to the subject official plan amendment, zoning by-law amendment and site plan control applications and is accepted by City Council at its meeting commencing on **July 23, 2018**;
3. The City approves the related rental housing demolition application to permit the demolition of the existing 16 rental dwelling units. Seven rental dwelling units will be provided in replacement of these rental units;
4. The City consents to the prehearing conference scheduled for November 5, 2018 being converted to a settlement hearing; and
5. Prior to the settlement hearing, the City agrees to work with our client to settle the final form of the official plan amendment, site specific zoning by-law amendment, and Notice of Approval Conditions to facilitate the enclosed settlement offer. In the event of any dispute regarding the final form of any of these, any party may ask the Tribunal to settle such matters at the hearing.
6. Prior to the issuance of the LPAT Order, the owner will enter into a Section 37 Agreement with the City to secure the payment of \$600,000.00 to be used by the City for appropriate community benefits in the vicinity of the site to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.

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We trust the above is sufficient to enable you to seek instructions from City Council.

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

Yours truly,

AIRD & BERLIS LLP



Kim M. Kovar
KMK/jt

cc: Client
Doug Stiles
Giulio Cescato

encl.

DATE OF PRELIMINARY DESIGN: 11/15/17
DATE OF PRELIMINARY CONSTRUCTION: 11/15/17
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PRELIMINARY
NOT FOR CONSTRUCTION

DATE OF PRELIMINARY
DESIGN: 11/15/17

NO.	DATE	DESCRIPTION
1	11/15/17	PRELIMINARY DESIGN
2	11/15/17	PRELIMINARY CONSTRUCTION
3	11/15/17	PRELIMINARY CONSTRUCTION
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9	11/15/17	PRELIMINARY CONSTRUCTION
10	11/15/17	PRELIMINARY CONSTRUCTION



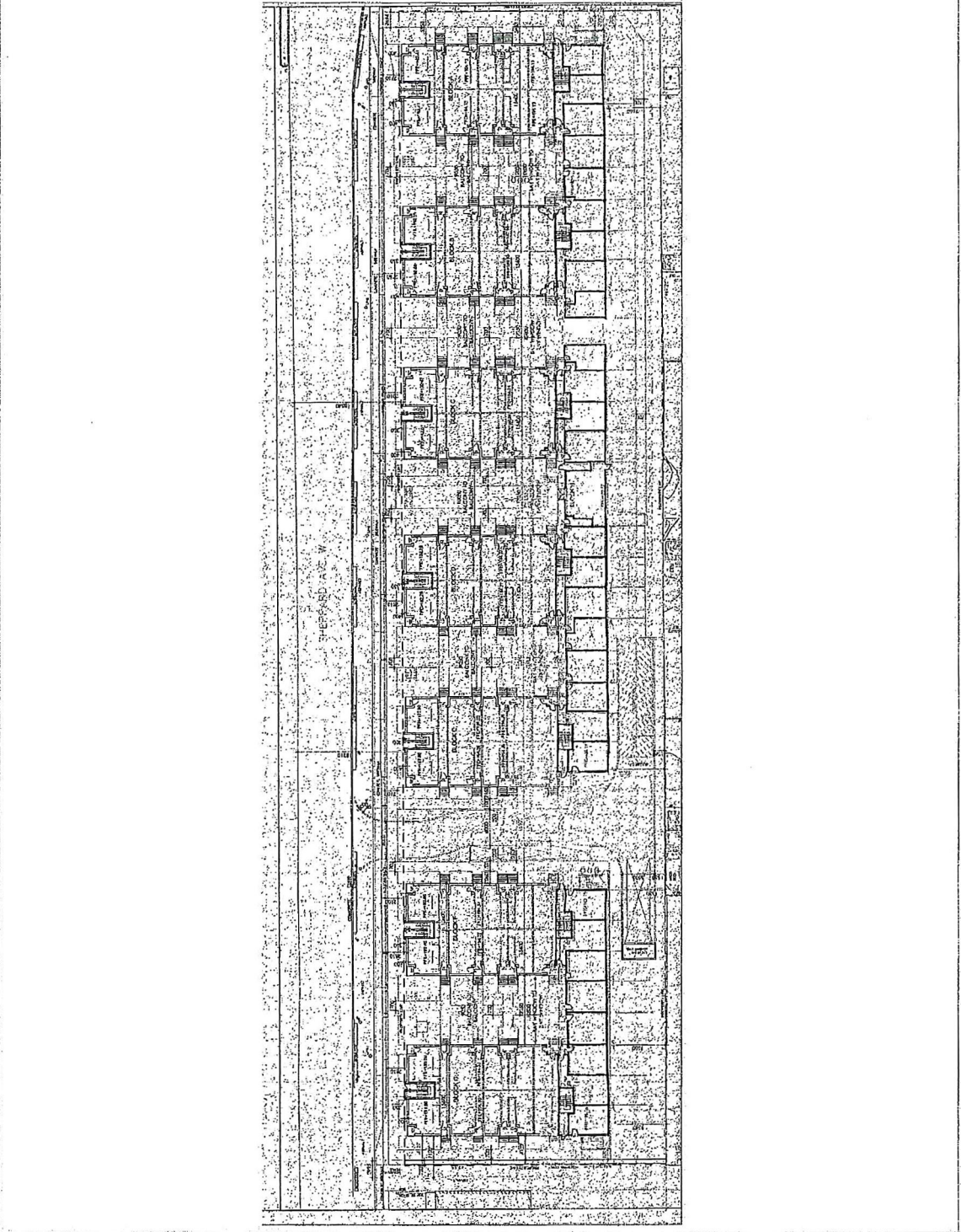
SRIN ENGINEERING, INC.
2500 WOODSIDE DRIVE
MUNSTER, IN 46321

SKERFORD AND PAYWOOD
DEVELOPMENTS INC.
MUNSTER, IN 46321

PROFESSOR OF ELECTRICAL ENGINEERING
AT IUPUI (1988-1991)
REGISTERED PROFESSIONAL ENGINEER
NO. 14257 IN STATE OF INDIANA

REVISIONS
NO. DATE BY
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