



Barristers & Solicitors

Bay Adelaide Centre - West Tower  
333 Bay Street, Suite 3400  
Toronto, Ontario M5H 2S7

Telephone: 416.979.2211  
Facsimile: 416.979.1234  
goodmans.ca

Direct Line: 416.597.5160  
iandres@goodmans.ca

March 26, 2019

**Without Prejudice**

Our File No.: 173006

**Via Email**

City of Toronto  
c/o Legal Services  
Metro Hall  
55 John Street, 26<sup>th</sup> Floor  
Toronto, ON M5V 3C6

**Attention: Ray Kallio and Matt Schuman**

Dear Sirs/Mesdames:

**Re: LPAT Case No. PL171273 – Official Plan and Zoning By-law Amendments  
258, 260, 264, 266, 268 and 270 Sheppard Ave W and 1 and 3 Addington Ave**

We are solicitors for 2250310 Ontario Inc., the applicant and appellant in respect of the official plan and zoning by-law amendment applications (the “Applications”) for the lands known municipally as 258, 260, 264, 266, 268 and 270 Sheppard Avenue West and 1 and 3 Addington Avenue (the “Property”). As you know, the Applications are the subject of outstanding appeals before the Local Planning Appeal Tribunal (the “Tribunal”), for which a third prehearing conference is scheduled to occur on April 1, 2019.

On behalf of our client, we are writing on a without prejudice basis to propose a settlement of our client’s appeals based on the proposal depicted in the attached architectural plans dated March 6, 2019 (the “Revised Plans”). This settlement offer is open for acceptance until the conclusion of the City Council meeting scheduled to commence on March 27, 2019.

**Without Prejudice Settlement Offer**

Since the submission of the Applications, our client has engaged in extensive discussions with City staff. As a result of these discussions, our client is prepared to make a number of revisions to the original proposal, which are reflected in the Revised Plans. Please note the following key aspects of the Revised Plans that form part of this settlement offer:

- **Rear Angular Plane:** The entire nine storey building and all associated building elements are within the rear angular plane.

- **East Side Yard Setback:** The eastern side yard setback of the building has been reduced to 0 metres. In response to City comments, there are no unprotected window openings proposed for Levels 1 to 6 and a 5.5 metre setback has been introduced on Levels 7 to 9. The garden units on both the east and west ground floor portions of the building have been removed to introduce additional retail and amenity frontage, which is more suitable for the promotion of an active streetscape and pedestrian environment.
- **Ground Floor Height:** The floor-to-ceiling height at the ground level has been increased from 3.6 metres to 4.0 metres in order to provide adequate space for the retail and commercial units and to enhance the streetscape and pedestrian experience. In addition, design elements will be incorporated to give the visual appearance of a 4.5 metre floor-to-ceiling height from a pedestrian perspective from the street. These design elements include the provision of retail glazing to a height of 3.15 metres in accordance with general design standards for retail and commercial storefronts, along with a Louvre, Sign Band and Precast Band above to a height of 4.5 metres. Please see the attached hand-drawn sketch from Kirkor Architects to further illustrate the design intent for the front façade of the building.
- **Building Articulation:** The proposed building mass has been remodeled to inset the middle two bays in order to horizontally break the building into three distinct portions, which ensures that the building façade is not overly long. This differentiates the residential lobby portion of the proposed building from the retail and commercial units. Vertical breaks, setback and stepbacks in the middle portion of the building have been incorporated to promote visual interest while still maintaining the manner in which the building is broken into three horizontal portions. The balconies have also been recessed or eliminated where appropriate in the middle portion of the building façade to accentuate a break in the building's massing.
- **Corner Rounding:** The plans have been revised to provide a 6.0 metre corner rounding at the ground floor of the proposed building, as requested by Transportation Services.

In addition to committing to the built form and massing as reflected in the Revised Plans, our client is also prepared to fully satisfy its parkland dedication requirement by dedicating to the City the entirety of the lands known municipally as 5 Addington Avenue, located immediately adjacent to the north lot line of the Property.

Furthermore, as part of a full settlement of its appeals, our client is willing to provide a one-time cash payment of \$1,134,000 to the City, to be indexed in accordance with standard City practice and collected prior to the issuance of the first building permit for the development, as its Section 37 contribution for the additional height and density indicated in the Revised Plans beyond the maximum height and density that would otherwise be permitted on the Property.



It is our client's understanding that the Section 37 contribution would be used by the City toward public facilities, services or matters in the vicinity of the Property and within the boundaries of Ward 18, as determined by City Planning in consultation with the Ward councillor and our client, so as to benefit the residents of the proposed development and the community at large.

As requested by City staff, our client is also willing to provide boulevard/sidewalk improvements on the east side of Addington Avenue between Sheppard Avenue West and the proposed site driveway, within the existing municipal road allowance, such improvements to be designed prior to site plan approval and secured through the Section 37 agreement.

Finally, if Council accepts this settlement offer, our client will write to the Tribunal to advise that it is withdrawing as a party from the lengthy hearing on Official Plan Amendment No. 367 that is scheduled to commence on April 29, 2019.

### **Summary and Implementation**

Our client believes that the Revised Plans represent good planning and a significant effort to address the comments received from City staff on the Applications. Our client is hopeful that this without prejudice settlement offer will be accepted by City Council at its meeting of March 27, 2019, so that the Tribunal can convert the upcoming prehearing conference into a settlement hearing to approve the Revised Plans in principle.

Our client is agreeable to having the Tribunal withhold its final order until the official plan and zoning by-law amendments are finalized in a form acceptable to the parties, the outstanding Engineering and Construction comments have been resolved, and a Section 37 agreement has been entered into with the City. We trust that this approach is satisfactory and would allow the parties to continue to work in good faith to address any unresolved issues.

Our client appreciates the time and effort expended by City staff on this matter. Please let us know if any additional information is required.

Yours truly,

**Goodmans LLP**



Ian Andres  
IDA/JBH

cc: Client

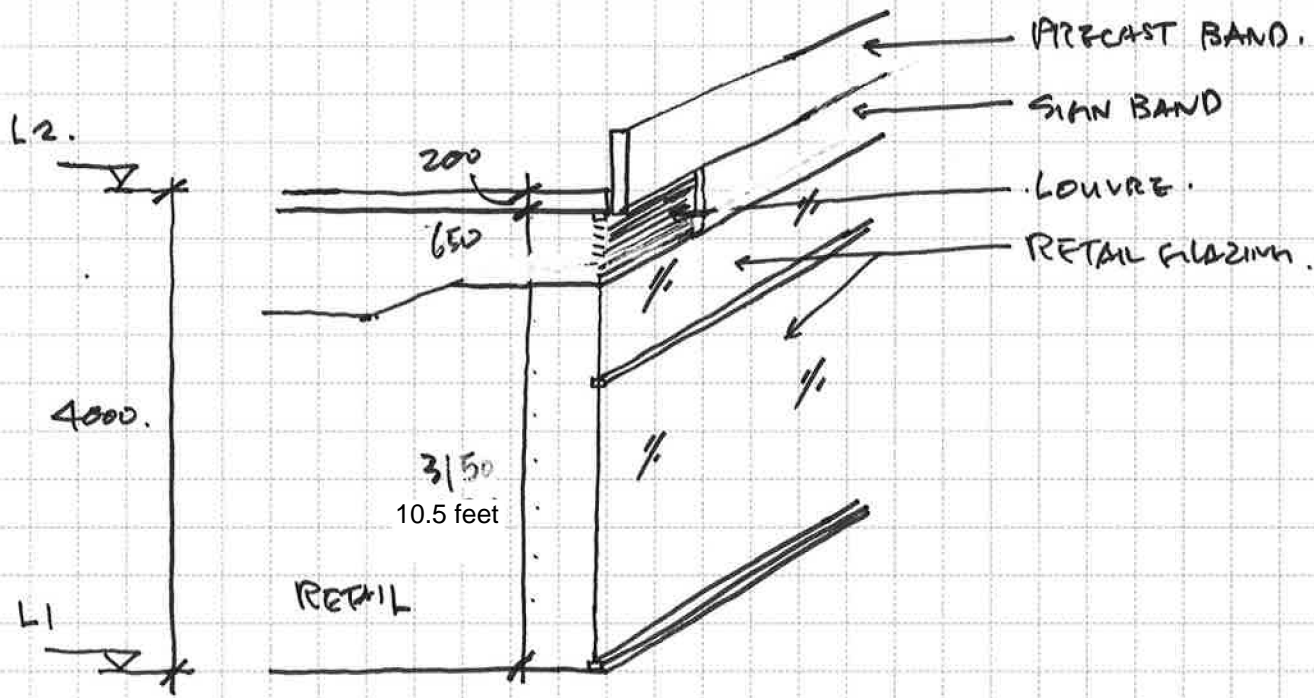


KIRKOR ARCHITECTS + PLANNERS

20 De Boers Dr, # 400 Toronto ON M3J 0H1  
TEL 416 665 6060 kirkorarchitects.com

MEMORANDUM \_\_\_\_\_  
TEL. CONF. NOTES \_\_\_\_\_  
MEETING NOTES \_\_\_\_\_  
SITE NOTES \_\_\_\_\_  
GENERAL NOTES \_\_\_\_\_  
DESIGN NOTES \_\_\_\_\_

PROJECT 16140.  
SUBJECT 270 Sheppard West., North York, ON  
PROJECT # \_\_\_\_\_ DATE \_\_\_\_\_  
FILE INDEX \_\_\_\_\_ SCALE \_\_\_\_\_  
TO \_\_\_\_\_ AUTHOR \_\_\_\_\_  
COMPANY \_\_\_\_\_ EMAIL \_\_\_\_\_



4 FEB 2019.