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April 16, 2019

Our File No. 131908

BY EMAIL

Mark Crawford
Planning and Administrative Tribunal Law
Metro Hall, 26th Floor
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Toronto, ON M5V 3C6

Mark.Crawford@toronto.ca

Dear Mr. Crawford:

**Re: With Prejudice Settlement Offer
Zoning By-law Amendment Appeal
183-189 Avenue Road & 109-111 Pears Avenue
City File No.: 16 259549 STE 27 OZ
LPAT Case No. PL170892**

As you are aware, Aird & Berlis LLP represents Davenport Pears Development Project GP Inc., owner of the property municipally known as 183-189 Avenue Road and 109-111 Pears Avenue (the "Subject Site").

On December 2, 2016, our client filed an application to amend the former City of Toronto Zoning By-law 438-86, as amended, and City of Toronto Zoning By-law 569-2013 to permit the construction of an 11 storey mixed-use building with commercial space at grade, 23 residential units above and 41 parking spaces. On August 17, 2017, we appealed Council's failure to render a decision on our client's application. A 10 day hearing has been set commencing July 15, 2019.

Following discussions with City staff and in response to comments in respect of its original application, our client filed a comprehensive resubmission package on April 11, 2018 reflecting changes to the various architectural, landscape and engineering drawings, as well as the supporting heritage, stormwater, functional servicing and hydrogeological reports. A Pedestrian Wind Conditions Update Letter was subsequently filed on January 3, 2019.

Since that time, our client and its consultant team have continued to consult with City staff respecting additional design revisions that could be made to address outstanding concerns. On the basis of these discussions, our client has made the following revisions to its proposed development, which now contemplates the redevelopment of the Subject Site with a 9-storey mixed use building with commercial space at grade, 20 residential units and 45 parking spaces:

- **Building Height:** The building height has been reduced to 9-storeys (plus wrapped mechanical penthouse) from 11-storeys (plus wrapped mechanical penthouse). The

overall building height, including the mechanical penthouse, is now 38.95 metres, while the height to the top of the main roof at the 9th storey is 35.20 metres. As a result, the overall building height has been reduced by 6.61 metres.

- **Northeast Corner:** The northeast elevation of the proposed building fronting onto Pears Avenue has been refined to include an additional stepback. The upper glazed volume (i.e. floors 2 & 3) are now stepped back above the lower framed-in volume that exhibits masonry detailing. For this portion of the building, the 2nd and 3rd floors have been stepped back to align with the floors above and the stepback from the new north property line has been increased to approximately 1.0 metre.
- **Upper Floor Setbacks:** The proposed rear stepbacks at floors 9 and 10 (i.e. the wrapped mechanical penthouse) measured from the adjacent 103 Pears Avenue property line on the opposite side of the rear (east) laneway have been revised. The stepbacks measured from the main wall range between 12.0 metres to 15.6 metres measured at the 9th floor and 12.0 metres to 16.9 metres at the 10th floor. For clarity, new stepback drawings have been added to the architectural package (A0-07A-E) clearly illustrating the maximum and minimum rear stepbacks measured from both the main walls and the balconies/terraces.

For ease of reference, attached as Appendix A is a table that summarizes the evolution of revisions to the proposed building since the initial December 2, 2016 submission through to this with prejudice settlement offer.

In support of our client's with prejudice settlement offer, please find enclosed the following:

- a revised Architectural Drawing Set, prepared by BBB Architects, dated April 10, 2019;
- a revised Shadow Study, prepared by BBB Architects, dated March 9, 2018;
- a draft Zoning By-law Amendments to 569-2013; and,
- a draft Zoning By-law Amendment to 438-86;

Should you have any questions, please do not hesitate to contact the undersigned. By copy of this letter, we are advising all parties and participants to the upcoming hearing of these revisions and this with prejudice settlement proposal.

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Yours truly,

AIRD & BERLIS LLP


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KMK/MTB

Encl.

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APPENDIX A

183-189 Avenue Road & 109-111 Pears Avenue Evolution of Design Revisions to Rezoning Scheme

	1st Submission (December 2, 2016)	2nd Submission (April 11, 2018)	3rd Submission (Current) April 15, 2019
Gross Site Area	1,171 m ² (0.289 acres)	1,171 m ² (0.289 acres)	1,171 m ² (0.289 acres)
Net Site Area	-48 m ² (laneway dedication) 1,123 m ² (0.277 acres)	-48 m ² (laneway dedication) -80 m ² (parkland dedication) 1,043 m ² (0.257 acres)	-48 m ² (laneway dedication) -80 m ² (parkland dedication) 1,043 m ² (0.257 acres)
Storeys	11-storeys + mechanical	11-storeys + mechanical	9-storeys + wrapped mechanical
Height	42.30 metres (excl mech) 45.56 metres (incl mech)	42.30 metres (excl mech) 45.56 metres (incl mech)	35.20 metres (excl wrapped mech) 38.95 metres (incl wrapped mech)
Gross Floor Area	7,561.0 square metres	7,398.0 square metres	6,835 square metres
Density	6.45 FSI	6.31 FSI	5.83 FSI
Unit Count	2-Bed: 12 units 3-Bed: 11 units Total: 23 units	1-Bed: 1 unit 2-Bed: 9 units 3-Bed: 12 units Total: 22 units	1-Bed: 3 units 2-Bed: 7 units 3-Bed: 8 units 4-Bed: 2 units Total: 20 units
Parking	Resident: 38 spaces Visitor: 3 spaces Total: 41 spaces	Resident: 41 spaces Visitor: 2 spaces Total: 43 spaces	Resident: 43 spaces Visitor: 2 spaces Total: 45 spaces
Bicycle Parking	Resident: 21 spaces Visitor: 2 spaces Total: 23 spaces	Resident: 20 spaces Visitor: 2 spaces Total: 22 spaces	Resident: 18 spaces Visitor: 2 spaces Total: 20 spaces
Laneway Dedication	1.67 metre wide strip equal to 48 m ² . Plus 0.657 metre setback.	1.67 metre wide strip equal to 48 m ² . Plus 0.657 metre setback.	1.67 metre wide strip equal to 48 m ² . Plus 0.657 metre setback.
On-Site Parkland Dedication	N/A	3.0 metre wide strip equal to 80 m ² .	3.0 metre wide strip equal to 80 m ² .
Avenue Rd Rhythm of Commercial Façades	N/A	Vertical masonry breaks have been added to reflect rhythm and scale of on-site and adjacent heritage “house form” buildings to the south.	Vertical masonry breaks have been added to reflect rhythm and scale of on-site and adjacent heritage “house form” buildings to the south.

<p>Heritage Retention</p>	<p>Front façade, plus portions of north/south return walls retained to a depth equal to ridge line above (2.0 metres).</p> <p>Stepped back 1.9 metres above the retained heritage façade at the 3rd floor.</p> <p>4th floor terrace cantilevered outwards above the heritage facade</p>	<p>Front façade, plus 8.0 metre portion of south return wall and 2.0 metre portion of north return will to be retained.</p> <p>Stepped back 5.0 metres above the retained heritage façade at the 3rd floor.</p> <p>4th floor terrace stepped back 5.0 metres to be consisted with 3rd floor stepback below.</p> <p>Masonry detailed at 3rd floor added to east elevation as transitional element between heritage and glazing.</p>	<p>Front façade, plus 8.0 metre portion of south return wall and 2.0 metre portion of north return will to be retained.</p> <p>Stepped back 5.0 metres above the retained heritage façade at the 3rd floor.</p> <p>4th floor terrace stepped back 5.0 metres to be consisted with 3rd floor stepback below.</p> <p>Masonry detailed at 3rd floor added to east elevation as transitional element between heritage and glazing.</p>
<p>Parking Garage</p>	<p>Two level parking garage accessed via two separate ramps.</p>	<p>Three level parking garage accessed via a single consolidated ramp.</p>	<p>Three level parking garage accessed via a single consolidated ramp.</p>
<p>Visitor Parking & Layby</p>	<p>Visitor parking spaces accessed directly from the laneway. No lay-by provided.</p>	<p>Visitor parking spaces reconfigured – no longer directly accessed via lane. Informal lay-by area provided.</p>	<p>Visitor parking spaces reconfigured – no longer directly accessed via lane. Informal lay-by area provided.</p>