

DEVINE PARK LLP

PLANNING AND DEVELOPMENT LAWYERS

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Matter No. R825-01

May 28, 2019

VIA EMAIL alexander.suriano@toronto.ca; jason.davidson@toronto.ca
AND COURIER

City of Toronto Legal Services
Metro Hall, 26th Floor
55 John Street
Toronto ON M5V 3C6

Attention: Alex Suriano and Jason Davidson

Dear Mr. Suriano/Mr. Davidson:

**RE: 2433 Dufferin Street, Toronto
Appeal/Referral of Zoning By-law Amendment Application and Site Plan
Approval Application to LPAT
LPAT Case No. MM170083**

As you may know, we are the solicitors for Rainberry Estates Inc., the owner of the lands known municipally as 2433 Dufferin Street in the City of Toronto (the "**Site**"). The above-noted zoning by-law amendment application and site plan approval application have been appealed/referred to the Local Planning Appeal Tribunal ("**LPAT**") for a hearing. A hearing has been scheduled with respect to this appeal/referral for ten (10) days, commencing on September 3rd, 2019.

Further to our recent discussions with yourselves and City staff, we are pleased to provide revised architectural plans and a shadow study which reflect the changes that have been agreed to with City staff. These plans and the shadow study are being provided to the City on a "without prejudice" basis to our client's ability to pursue the approval of the existing applications or revised applications, should City Council not accept this revised settlement proposal; however, our client hereby waives its privilege with respect to the revised settlement proposal to the extent that our client will disclose the revised proposal to interested third parties and welcomes the City's consideration thereof in a public forum.

The revised proposal is being provided to the City on the basis that the City agrees to jointly request, with our client, that the LPAT approve the zoning by-law amendment which would permit the development described below, subject to conditions also set out below.

The development to be permitted by the zoning by-law amendment to be approved is described by the following plans and enclosed site statistics:

1. Architectural plans dated May 27th, 2019, for an eight-storey proposal, such plans including a site plan, project statistics, underground parking plans, floor plans, roof plan, elevations, sections and angular-plane diagrams, all prepared by romanov romanov Architects Incorporated; and
2. Shadow Study dated May 27th, 2019 with respect to the revised development proposal, prepared by romanov romanov Architects Incorporated;

Further, as requested, we have also included a boundary survey (Plan 66R-27852) and a topographical survey, both prepared by Rady-Pentek & Edward Surveying Ltd.

We are also endeavouring to provide to you a revised transportation impact assessment addendum to address the reduction in parking. This addendum will be provided to the City as soon as it is available.

To assist the City in its review of the revised plans, please also find enclosed a memorandum prepared by romanov romanov Architects Incorporated dated May 27th, 2019, which outlines the revisions for the eight-storey proposal, compared to the nine-storey proposal which is currently before the LPAT.

This offer is conditional on the City's acceptance of the revised development proposal and its support of the revised settlement proposal at any hearing before the LPAT, including without limitation a hearing resulting from a third-party objector. Further, it is on the condition that the City does not require any Section 37 benefits as part of the approval for this revised development.

Lastly, please let me know if you require us to provide hard copies to City Planning staff and, if so, kindly advise as to the number of copies required.

If you have any questions regarding the above, or if we can be of any further assistance, please do not hesitate to contact me at 416.645.4572 or via email at jason.park@devinepark.com.

Yours very truly,
Devine Park LLP


Jason Park
JIP/ss

Enclosures

cc: Rainberry Estates Inc.

The BEAN Apartment Condominium - Revision References

May 27, 2019

8 Storey Proposed – May 27, 2019	9 Storey SPA Submission - July 18, 2017
1. 8 Stories; 25.00M to top of 8th floor; 26.55M to top of mechanical screen	9 Stories; 28.54M to top of 9th floor 29.54M to top of mechanical screen
2. 99 suites: 12-bach; 56-1bedrm; 21-2bdrm; 10 3-bdrm	114 suites: 6-bach; 75-1bedrm; 33-2bdrm; 0-3bdrm
3. GFA: 9,513.81 SM; FSI: 4.71	GFA: 11,652.05 SM; FSI: 5.77
4. Parking: 80 spaces; 2 floors U/G	Parking: 115 spaces; 3 stories U/G
5. 3.0 M bldg setback at North property line	0.0 M bldg setback at north property line
6. 2.5 M and 3.0 M setback at 8th floor, North façade; 6.5 M average setback to prop line	2.5 M and 6.0 M setback at 9th floor, North façade; 6.5 M average setback to prop line
7. 0.5 M setback at patios and balconies at loggias at South property line	0.0 M setback at patios and balconies at loggias at South property line
8. 1.0 M setback at 6th floor, South and West façades	1.0 M setback at 7th floor, South and West façades
9. 3.5 M setback at 8th floor, South façade	3.5 M setback at 9th floor, South façade
10. 3.0 M setback at 8th floor, West façade	3.0 M setback at 9th floor, West façade
11. 1.0 M setback at 8th floor, East façade	1.0 M setback at 9th floor, East façade
12. Material change at 6th floor, all façades	Material change at 7th floor, all façades
13. Flush balconies at North and South façades	1.5 M projected balconies at North and South façades