

AIRD BERLIS

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Our File No.: 110355

BY EMAIL

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

Dear Mr. Piel:

**Re: Revised Offer to Settle
LPAT Case No. PL171398
2706 Bayview Avenue, City of Toronto
Applicant/Appellant: Lulu Holdings Inc.**

As the City is aware, our firm acts for Lulu Holdings Inc. ("Lulu"). Lulu owns the site municipally known as 2706 Bayview Avenue. The site is located on the west side of Bayview Avenue, directly west of Wimpole Drive and directly east of existing residential uses along Caldý Court.

On November 13, 2019, our firm wrote to the City to provide a *without prejudice* offer to settle Lulu's current rezoning appeal in LPAT Case No. PL171398. While the offer at that time had initial support from city staff, the offer ultimately was deferred to allow for further community consultation.

As city staff is aware, further community consultation caused various revisions to the project. This iterative process has now resulted in a fully revised version of the project that we are advised has best addressed the interests of both the City and the residents. On this basis, we write to formally withdraw our client's prior offer to settle dated November 13, 2019 and replace it with the within offer to settle, which is provided to you on a *without prejudice* basis.

The project now proposes the construction of four 3-storey townhouse units along the Bayview Avenue frontage of the site. A single-lane driveway from Bayview would be provided through the townhouses, providing access to a private lane running north-south along the rear of the units. Each townhouse will have an internal garage (accessed from the rear private lane) providing two parking spaces, with the exception of the most southerly townhouse (Unit 4), which will have a two-space parking garage connected by an elevated deck. The proposal to have the existing house relocated to the rear of the site (closer to Caldý Court) has been removed. The revised project would yield a density of 22.2 units-per-hectare with a coverage of 26.4% and an FSI of 0.69.

The details of this offer to settle are disclosed through the following attachments:

1. A draft site-specific Zoning By-law Amendment affecting North York Zoning By-law 7625. This ZBA would rezone the site as Multiple-Family Dwellings First Density Zone (RM1-xx) to permit the revised project as described above. The ZBA also provides site-specific regulations for front lot line, lot area, lot coverage, street frontage, yard setbacks, floor area, building height and driveway width.
2. A companion draft site-specific Zoning By-law Amendment affecting Toronto Zoning By-law 569-2013.
3. A revised Development Concept updated to March 3, 2020, with accompanying development statistics.
4. A revised conceptual front elevation drawing, prepared by Weston Consulting, dated March 10, 2020.

As the City is aware, Lulu's rezoning appeal was last before the LPAT on January 22, 2020. A third case management conference is presently scheduled for May 5, 2020. The LPAT has set April 30 as the deadline by which the parties are to advise the Tribunal whether the matter will proceed by settlement or proceed to a contested hearing. The within offer is being provided to the City to facilitate the potential settlement of the rezoning appeal in advance of the April 30 deadline.

Notwithstanding the foregoing, we understand that the reporting deadlines for both City Council and the LPAT may need to be altered as a result of the current COVID-19 pandemic. If city staff have any questions or further requests arising from this *without prejudice* offer to settle, Lulu's consultants remain available to address them remotely. We will also cooperate with the City to ensure this offer and the LPAT appeal are processed in a timely and appropriate manner. Lulu remains willing to work with staff on the processing and ultimate approval of a companion site plan application for this project should Council approve the offer to settle.

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

Yours truly,

AIRD & BERLIS LLP

Original Signed by P.J. Harrington

Patrick J. Harrington

Encl.

cc. R. Guetter, Weston Consulting
K. Matsumoto, City of Toronto

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