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File #46647-5

July 11, 2022

With Prejudice

Via E-Mail: mlongo@toronto.ca

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

Attention: Mr. Matthew Longo

Dear Mr. Longo:

**Re: 680-688 Sheppard Avenue East, Toronto (the “Subject Lands”)
Application File Nos. 19 248099 NNY 17 OZ and 19 248116 NNY RH
Ontario Land Tribunal Case No. OLT-21-001414
Settlement Offer**

We are the solicitors for Autumn Peak Developments Inc. (“Autumn Peak”). On behalf of Autumn Peak, we are writing with an offer to settle the above noted matter.

Background

The Site is located on Sheppard Avenue East within approximately 250m of the Bessarion Subway station. The Applicant filed Official Plan Amendment and Zoning By-law Amendment Applications (the “**Applications**”) on November 12, 2019 for redevelopment of the Subject Lands. The Applications were deemed complete as of November 12, 2019 and were subsequently appealed to the Ontario Land Tribunal on September 15, 2021 for Council’s failure to make a decision (the “**Appeals**”). The Subject Lands are also subject to an application for a permit under the City’s Residential Rental Property Demolition and Conversion Control By-law.

Subsequent to the Appeals, Autumn Peak participated in mediation with City staff. The following offer is being made to address concerns raised by the City and advance a settlement of the Appeals.

Offer to Settle

In order to resolve the appeals, Autumn Peak is prepared to revise its application to be substantially in accordance with the revised plans dated July 4, 2022 and attached hereto. The revised proposal includes a 22 storey tower (the "Tower") with a 6 to 8 storey base along Sheppard Avenue (the "Base Building"), a 12-storey mid-rise building to the north of the site (the "Mid-Rise Building"), and an 8-storey transitional element linking the two building masses (the "Project"). As detailed below, this offer to settle includes the following modifications, as shown on the revised plans:

- An overall Gross Floor Area and Floor Space Index for the Project of approximately 398,556 square feet and 4.88, respectively;
- The floor plate of the proposed Tower has been significantly reduced to approximately 779 square metres gross construction area;
- The proposed Mid-Rise Building has been reduced in height from 13 to 12 storeys, and all portions stepped back below a 45 degree angular plane from the property boundary to the east, as shown on the attached plan (the "Angular Plane");
- Increased setbacks and stepbacks are provided from Sheppard Avenue as shown on the attached plans;
- Relocation of the drive aisle from east to west;
- Establishment of a 5m POPS adjacent to the proposed park, including a 3m north-south pedestrian walkway;
- Creation of a 2.1m setback on the western portion of the site running north to south to provide for a pedestrian path;
- Removal of the proposed daycare; and
- Relocation of surface drop off and pick up area.

As part of its offer to settle, Autumn Peak confirms its agreement to the following:

- With respect to the 6-storey Base Building, balconies shall not project onto Sheppard Avenue or be located within the eastern elevation facing the proposed park (unless otherwise agreed to by the City);
- Balconies shall not wrap around the corners of the proposed Tower or Base Building;
- Autumn Peak shall work with the City at the site plan stage on balcony design and implementation;
- The mechanical penthouse shall not be located within the Angular Plane of the proposed Mid-Rise Building;
- Autumn Peak agrees to minimize the Tower mechanical penthouse, to the extent possible;
- A condition of the final Tribunal Order shall include the submission of a wind study at Autumn Peak's sole cost and to the satisfaction of the City;
- The unit mix shall include a minimum of 10% 3 bedroom and 30% 2 bedroom units;

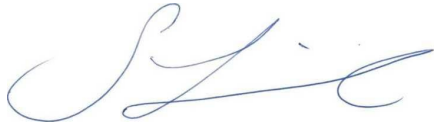
- Autumn Peak shall provide total parking in accordance with the following: a blended minimum rate of 0.54 parking spaces per unit for residential parking and 0.1 per unit for visitor parking. Twenty of the proposed parking spaces shall be reserved for the rental replacement units;
- Autumn Peak shall provide 1.5 square metres of indoor amenity space per unit and a minimum of 1,000 square metres of outdoor amenity space. In our view, the reduction in indoor amenity space is appropriate given the proposed outdoor amenity space, in addition to the approximately 759 square metre public park and approximately 1000 square metre POPS, providing an abundance of overall amenity space for the Project;
- Autumn Peak shall seek to minimize the pick-up/drop off area at the site plan stage;
- POPS and park conveyance will be subject to the City's standard conditions and requirements, with parkland conveyance to occur prior to the issuance of the first above grade building permit (or to the satisfaction of the City Solicitor) and POPS conveyance to occur prior to the earlier of condominium registration or first residential occupancy (or to the satisfaction of the City Solicitor) to allow for tiebacks, where deemed acceptable by the City, and the stockpiling of any soils or materials or an interim construction staging area, subject to entering into an agreement outlining the requirements of same, to the satisfaction of the City. Compensation for the use of the future public park shall be charged in the same manner as set out in Municipal Code Chapter 441 (Fees and Charges) Appendix C - Schedule 2, Transportation Services, Ref. No. 38 describing fees to temporarily occupy a portion of the sidewalk or boulevard, or, as otherwise may be agreed to between the parties;
- A condition of the final Tribunal Order shall include that the final form of the implementing by-laws include a holding provision pursuant to s. 36 of the Planning Act with respect to sanitary sewer upgrades in the Sheppard Avenue East Corridor Area;
- In addition to the replacement of 35 units at 688 Sheppard Avenue East at affordable rents, Autumn Peak agrees to replace 12 additional units at 680 Sheppard Avenue East. These units will be replaced with similar size units, in conformity with the Official Plan, and at affordable rents (being 1 x the City's average rents); and
- The issuance of a final order of the Tribunal shall be subject to obtaining a rental demolition permit.

With the foregoing modifications it is our opinion that the proposal continues to be consistent with the Provincial Policy Statement, 2020, conforms to A Place to Grow, Growth Plan for the Greater Golden Horseshoe, 2020 and conforms to the purpose and intent of the Official Plan. Accordingly, we are requesting that City Council accept this Offer to Settle.

We look forward to a positive resolution of this matter.

Yours truly,

Cassels Brock & Blackwell LLP

A handwritten signature in blue ink, appearing to read "Signe Leisk". The signature is fluid and cursive, with a large initial "S" and a long, sweeping underline.

Signe Leisk
Partner

SL/MK/cm
Enclosures