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July 6, 2022

Our File No.: 170992

**Confidential and Without Prejudice**

Planning & Administrative Tribunal Law  
City of Toronto Legal Services  
55 John Street, 26<sup>th</sup> Floor, Metro Hall  
Toronto, ON M5V 3C6

**Attention: Kasia Czajkowski**

Dear Sirs/Mesdames:

**Re: 1615-1641 Kingston Road and 50 – 52 Birchcliff Avenue, City of Toronto  
OLT Case No. OLT-21-001332  
Confidential and Without Prejudice Offer to Settle**

We are solicitors for Birchcliff Developments Inc., the owner of the property known municipally as 1615 – 1641 Kingston Road and 50 – 52 Birchcliff Avenue in the City of Toronto (the “**Property**”). We are writing on behalf of our client with a confidential and without prejudice settlement offer in respect of the above-noted matter.

As you know, our client engaged in discussions with City staff over several months regarding the redevelopment proposal for the Property, including engaging in a without prejudice multi-day mediation with the City, the Toronto District School Board (“**TDSB**”), and the Birch Cliff Village Association (“**BVCA**”), among others, that has resulted in the revised plans, prepared by Kohn Partnership Architects Inc., attached to this letter (the “**Revised Proposal**”). We are pleased to advise that through the mediation City staff is now supportive of the Revised Proposal and our client greatly appreciates the collaborative efforts of City staff in achieving this settlement.

**Background**

The Property is located on the southside of Kingston Road between Lakeside Avenue and Birchcliff Avenue, in the Birchcliff Community. The City’s Official Plan designates a majority of the Property, including the entire frontage along Kingston Road, as *Mixed Used Areas*, with the southeast quadrant of the Property designated *Neighbourhoods*. Currently, there are 33 existing rental units on the Property.

On October 9, 2020, after pre-consultation with City staff, our client filed the Official Plan and Zoning By-law Amendment applications for the Property (the “**Applications**”). The Applications

proposed a 9 storey mid-rise building. Within the portion of the Property designated Neighbourhoods, the mid-rise building was no more than 4 storeys in height.

In response to comments received from City Staff and feedback received from tenants and local residents, a resubmission of the Applications was made to the City on August 6, 2021. Among other revisions, the resubmitted Applications proposed a fundamental change to the redevelopment proposal, removing the 4-storey east wing of the mid-rise building proposed along Birchcliff Avenue in favour of a separate 4-storey low-rise apartment building. The result of this change is that the mid-rise building would be located entirely within the *Mixed Use Areas* portion of the Property and the 4-storey low-rise building would be located entirely within the Neighbourhoods portion of the Property. The 4-storey low-rise building would provide for appropriate intensification of the Property, while respecting the site's immediate context within the Birchcliff neighbourhood, providing an appropriate fit for the immediate area.

### **The Revised Proposal Through Mediation**

Through mediation a number of further revisions to the Applications, as shown in the Revised Proposal, have been made and are fundamental components of this without prejudice settlement offer. In particular, we note the following key features of the Revised Proposal:

#### **Mid-Rise Building along Kingston Road**

- A central notch has been incorporated into the building to articulate the massing of the east and west components of the building.
- At grade, there is a 4.5 metre continuous setback from the property line. This allows for a approx. 7.5 metre setback to the curb of Kingston Road.
- The face of the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> storeys are setback 3 metres from the property line.
- Balconies on floors 2, 3 and 4 fronting Kingston Road have been recessed or revised to Juliette balconies to accommodate the planting of street trees in accordance with City standards and guidelines.
- Masonry has been added at 5th and 6th floors along Kingston Road façade.
- Above the 4<sup>th</sup> storey, the building stepbacks 1.5 metres. Stepbacks are also found on the 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> floor. The building at the upper levels has been stepbacked further so that the building face, including mechanical, is within the angular plane, taken at a 45% angle at 80% of the width of Kingston Road.

- Residential units in the building that face the low-rise rental building to the south have been revised so to improve the window to window facing condition, so that windows in the mid-rise building no longer face directly windows in the low-rise rental building, but rather are facing blank walls.
- The footprint of the mechanical penthouse has been reconfigured and the length of mechanical penthouse has been reduced significantly by sinking a portion of the mechanical penthouse into the 9th floor of the building. The height of the mechanical has also decreased from 5.5 metres to 5.0 metres.

#### **Mid-Rise Building at Rear**

- At the west of the site, the west wing of the building has been significantly step-backed at the rear so that the building face falls within a deep lot angular plane.

#### **Mid-Rise Building at East Side**

- East side (north portion) revised to 0 setback and a blank wall condition.
- East side (south portion) revised to +/-2.19 metre setback. Balconies and any primary windows have been removed so only secondary windows face east.

#### **Low-Rise Four Storey Replacement Building**

- The building has been designed with the intention for all 33 existing rental units to be replaced in the new building.
- The building has been sunken to reduce the overall height by 900 mm.
- Masonry and window configuration have been revised to be continuous from the ground floor to the 4<sup>th</sup> floor of the building.
- Fourth floor terraces have been revised so that the terraces only face east toward Birchcliff Avenue.
- Similar to the note further above about window to window facing conditions between the mid-rise building and the low-rise building, the windows in the low-rise building facing north now face blank walls of the mid-rise building to the north.

### **Parking Levels**

- The portion of the underground parking garage fronting Kingston Road has been sunk to 1.2 metres to accommodate the planting of street trees in accordance with City standards and guidelines.
- The underground parking garage has shrunk in size, setback further from the south property line for portions of the structure.

### **Landscaping**

- As noted above, the planting of street trees in accordance with City standards and guidelines have been accommodated by sinking the portion of the underground parking garage fronting Kingston Road to 1.2 metres below finished ground and recessing balconies or providing Juliette balconies on floors 2, 3 and 4.
- A portion of the underground parking garage has been set further north from the south property line to accommodate the retention of existing mature trees.
- A landscape buffer a minimum of 1.5 metres in width will be provided along the south property line.
- A pet relief area will be provided on the Property.

### **Conclusion**

Our client is prepared to proceed to the Ontario Land Tribunal (the “**OLT**”) with the without prejudice plans attached to this letter, being the Revised Proposal, to achieve a settlement with the City. In addition to the revisions to the Application described above and illustrated in the attached plans, our client would agree to request that the OLT withhold its final Order for the Official Plan and Zoning By-law Amendments for the Property pending:

- the Official Plan and Zoning By-law Amendments have been finalized to the satisfaction of the City; and
- approval of Rental Housing Demolition Application No. 20 203480 ESC 20 RH by City Council.

We understand the City may propose additional conditions addressing certain technical matters for the Property, including the acceptance of the Functional Servicing Report.

Our client and its consultant team appreciate City staff’s extensive efforts to meet to work with our client, as well as the other parties to the mediation, which such discussions resulting in this without prejudice settlement offer. Our client believes the Revised Proposal represents good

planning and an appropriate resolution for the Property, and we are hopeful that City Council will instruct the City solicitor to support approval of the Revised Plans at the OLT.

The settlement offer remains open until the end of the City Council meeting scheduled to commence on July 19, 2022.

Please let us know if any additional information is required.

Yours truly,

**Goodmans LLP**

A handwritten signature in blue ink, appearing to be "Joe Hoffman", written over the text "Goodmans LLP".

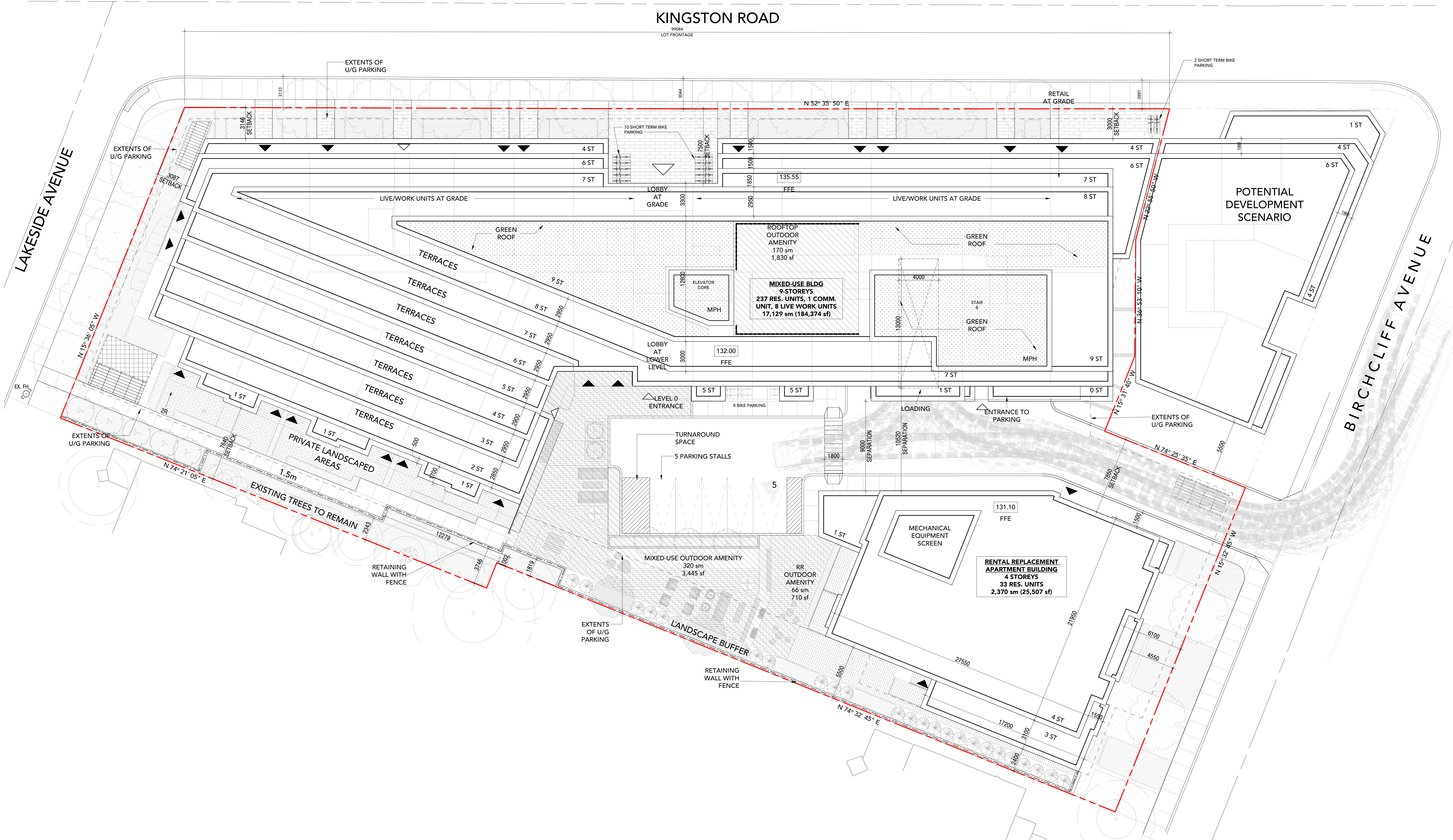
Joe Hoffman

JBH/

7284615

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ISSUE DATES AND DISTRIBUTION LOG		
No.	Date	Note
1	16/06/22	WITHOUT PREJUDICE



SITE PLAN 1  
SCALE: 1 : 150 A1 00



PROJECT NORTH TRUE NORTH SEAL  
1615 KINGSTON ROAD  
ALTREE  
1615 KINGSTON ROAD  
SCARBOROUGH ONTARIO  
Drawing Title:  
**SITE PLAN**

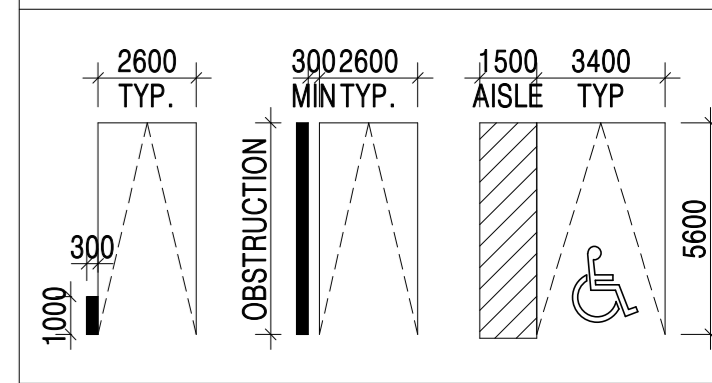
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Author: 19-140  
Date Plotted: Scale:  
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Drawing No.:

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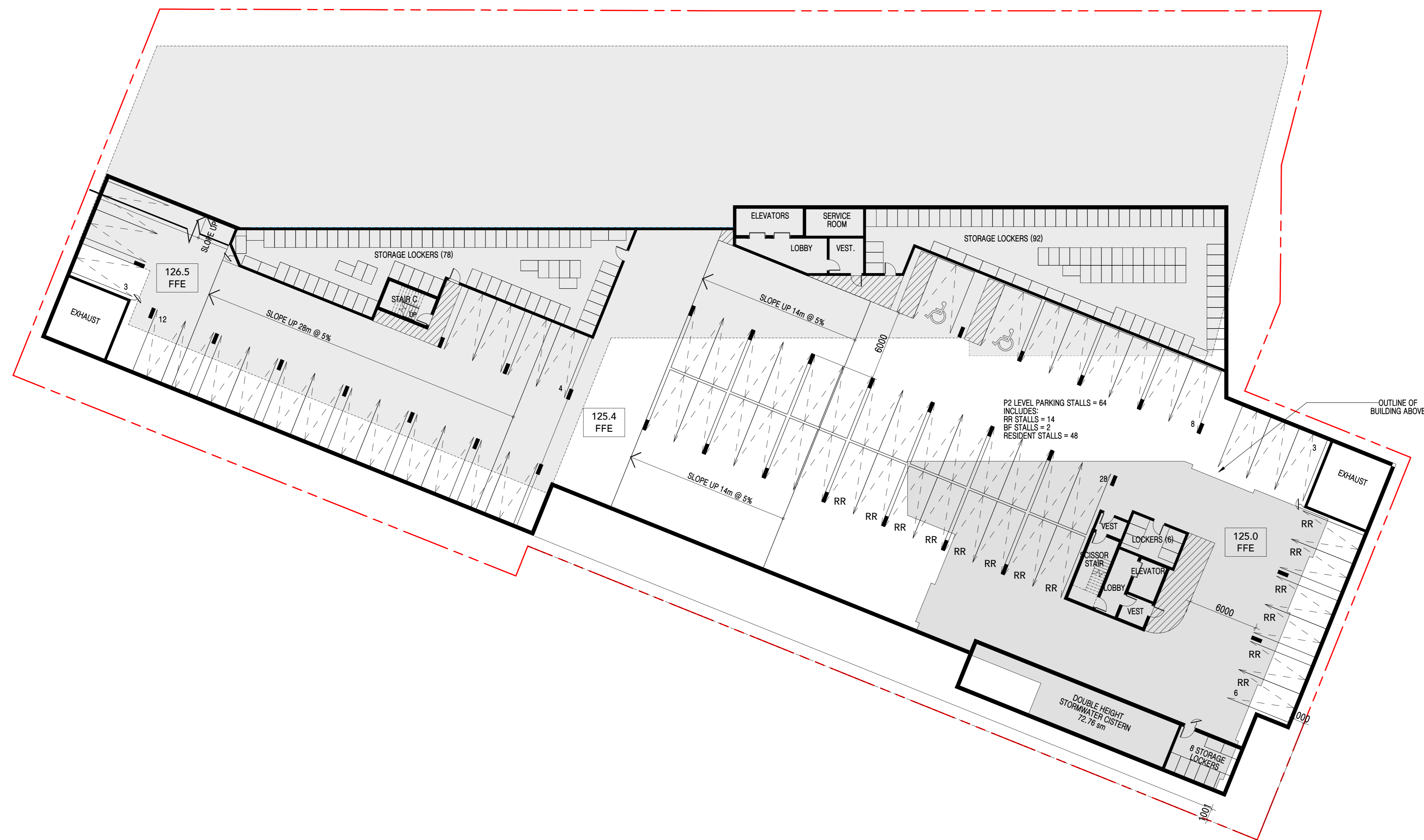
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No.	Date	Note
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2	21/07/21	ISSUED FOR ZBA SUBMISSION 2
-	02/06/22	WITHOUT PREJUDICE

PARKING FLOOR PLAN (BELOW GRADE) LEGEND:	
A.D.	CATCH BASIN (REFER TO CIVIL DWGS.)
A.D.	AREA DRAIN (REFER TO CIVIL DWGS.)
T.D.	TRENCH DRAIN (REFER TO CIVIL DWGS.)
E.V.C.S.	ELECTRIC VEHICLE CHARGING STATION
W.M.	WARNING SYSTEM FOR MOTORISTS
C.M.	CONVEX MIRROR
F.H.C.	FIRE HOSE CABINET
P.Y.L.	PAINTED YELLOW LINES (PEDESTRIAN PATHWAYS)
P.P.S.	PAINTED PARKING SPACE NUMBERING
B.P.S.	BICYCLE STORAGE (LONG TERM PARKING SPACE)
S.L.	STORAGE LOCKER
A.C.S.	ACCESSIBLE PARKING SIGNAGE
B.F.P.S.	BARRIER FREE PARKING SPACE

TYPICAL VEHICULAR PARKING SPACE:	
AS PER BY-LAW 569-2013	
DRIVE AISLE: MIN. 4.0m	
TYPICAL PARKING SPACE DIMENSIONS:	
WIDTH: MIN. 2.6m	LENGTH: 5.6m
VERTICAL CLEARANCE: 2.0m	
TYPICAL ACCESSIBLE PARKING SPACE DIMENSIONS:	
WIDTH: MIN. 3.0m	LENGTH: 5.6m
VERTICAL CLEARANCE: 2.1m	



TYPICAL BICYCLE PARKING SPACE:	
HORIZONTAL:	
WIDTH:	0.6m (MIN)
LENGTH:	1.8m
VERTICAL CLEARANCE:	1.9m
VERTICAL:	
WIDTH:	0.6m (MIN)
LENGTH:	1.2m
VERTICAL CLEARANCE:	1.9m
STACKED:	
WIDTH:	0.6m (MIN)
LENGTH:	1.8m
VERTICAL CLEARANCE:	2.4m (1.2m PER BIKE)

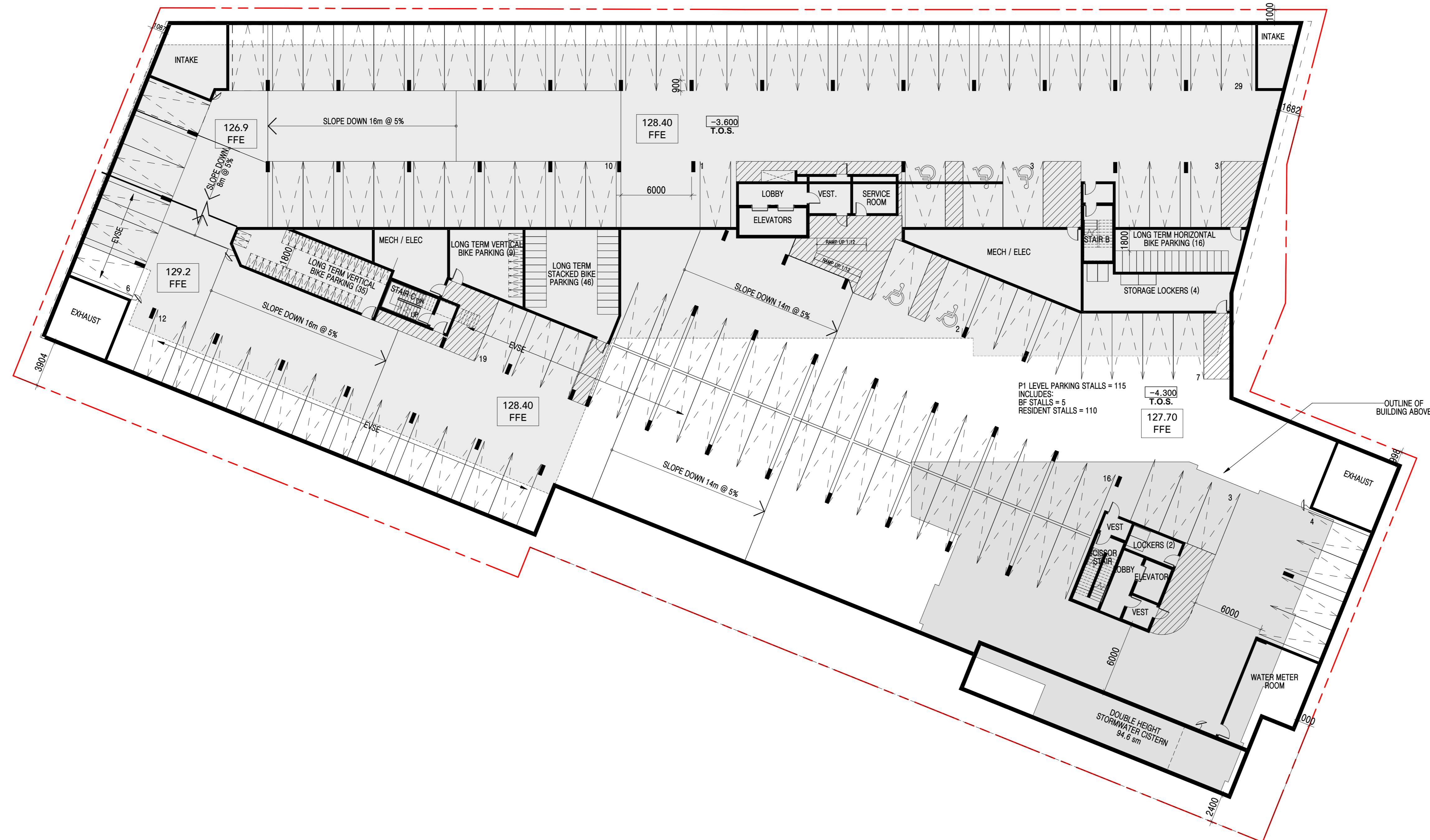


PARKING STATISTICS		217 SPACES	
RESIDENTS <sup>A</sup>	0.715 / UNIT	175 SPACES	
VISITORS	0.10 / UNIT	28 SPACES	
RENTAL REPLACEMENT	14 SPACES	14 SPACES	

TOTAL PROVIDED PARKING		217 SPACES	
PARKING LEVEL P2	64 SPACES	115 SPACES	
PARKING LEVEL P1	115 SPACES	38 SPACES	
LEVEL 0	38 SPACES		

<sup>A</sup> 33 RENTAL REPLACEMENT UNITS EXCLUDED FROM TOTAL NUMBER OF UNITS WHEN CALCULATING THE REQUIRED PARKING

FLOOR PLAN - LEVEL P2  
SCALE: 1 : 200



FLOOR PLAN - LEVEL P1  
SCALE: 1 : 200



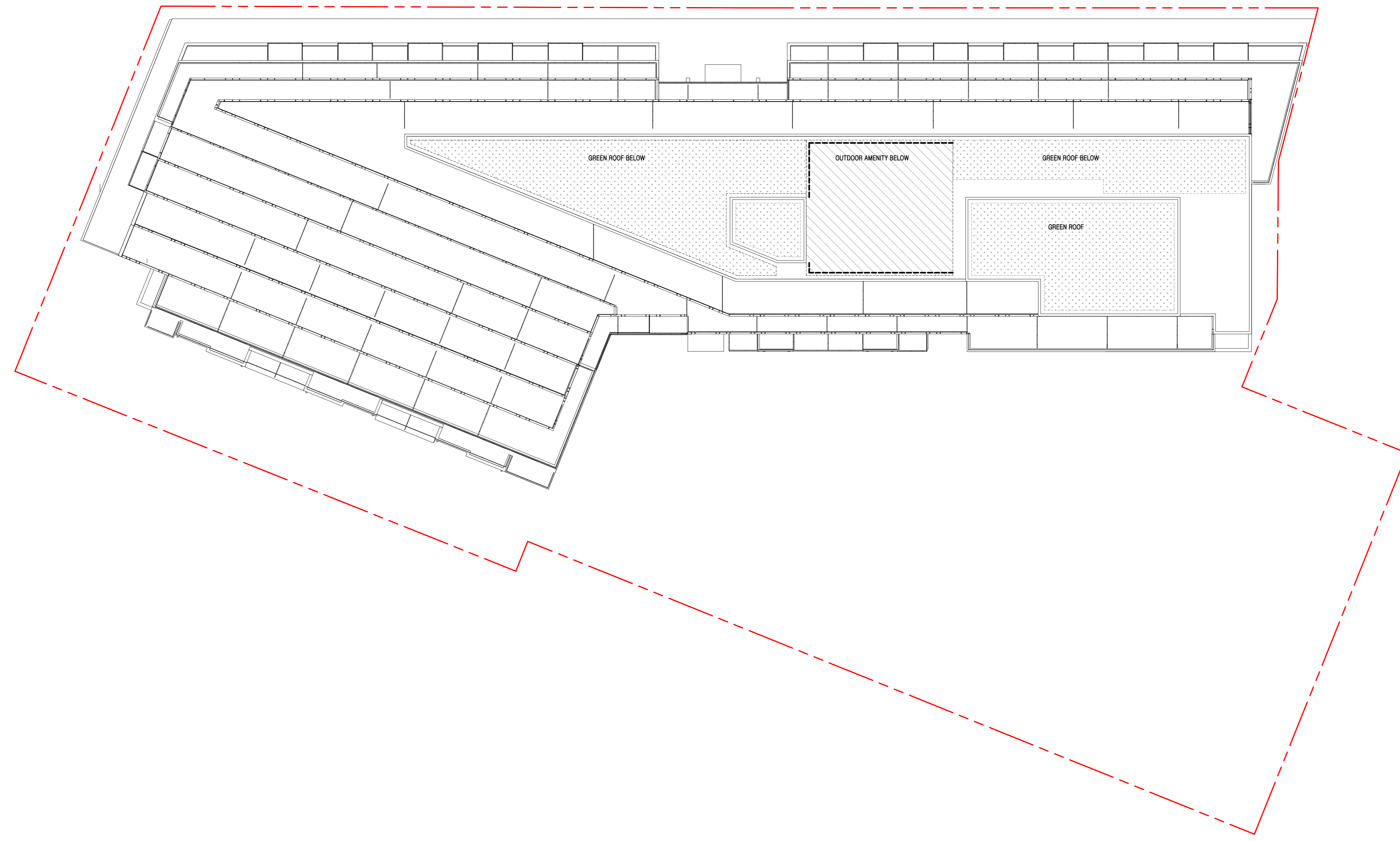
PROJECT NORTH TRUE NORTH SEAL  
1615 KINGSTON ROAD  
ALTREE  
1615 KINGSTON ROAD  
SCARBOROUGH ONTARIO  
Drawing Title:  
**PARKING PLANS - LEVEL P1 & P2**  
Project Manager Team: MDC  
Date Plotted: 2022-06-16 3:01:46 PM  
Project No: 19-140  
Scale: As indicated  
Drawing No.:

A2 00

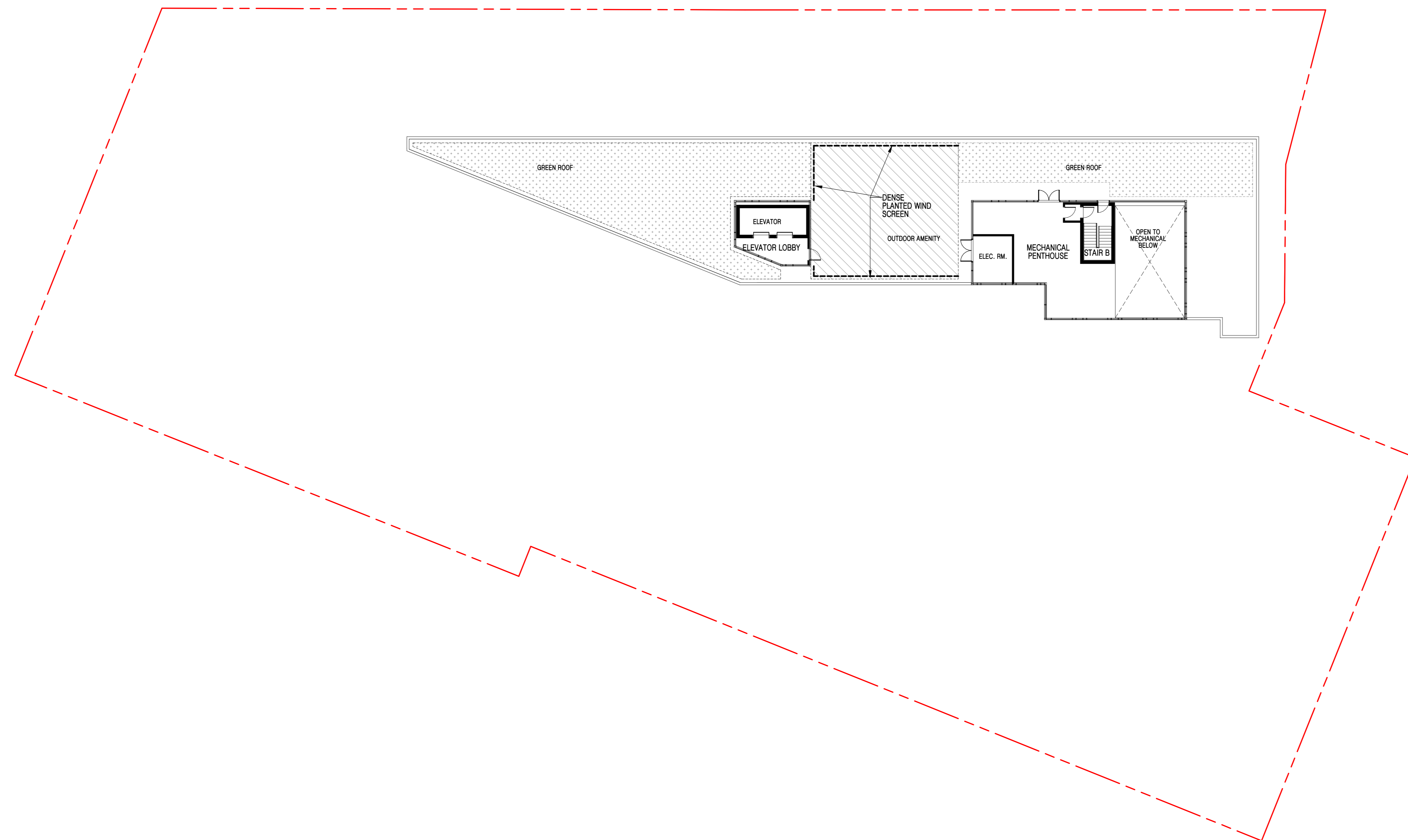
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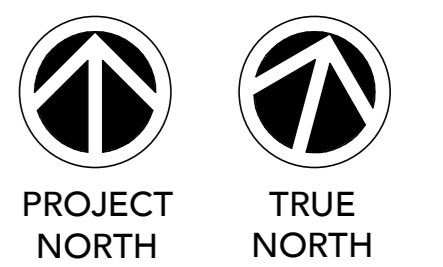
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2	21/07/21	ISSUED FOR ZBA SUBMISSION 2
-	16/06/22	WITHOUT PREJUDICE



**ROOF PLAN** 2  
SCALE: 1 : 200 (A2 06)



**FLOOR PLAN - MECHANICAL PENTHOUSE** 1  
SCALE: 1 : 200 (A2 06)



PROJECT NORTH TRUE NORTH SEAL

Project: 1615 KINGSTON ROAD

ALTREE  
1615 KINGSTON ROAD  
SCARBOROUGH ONTARIO

Drawing Title:  
**MECH PENTHOUSE & ROOF PLAN**

Project Manager Team: MDC Project No: 19-140  
Date Plotted: 2022-06-16 3:02:07 PM Scale: 1 : 200

Drawing No.: A2 06



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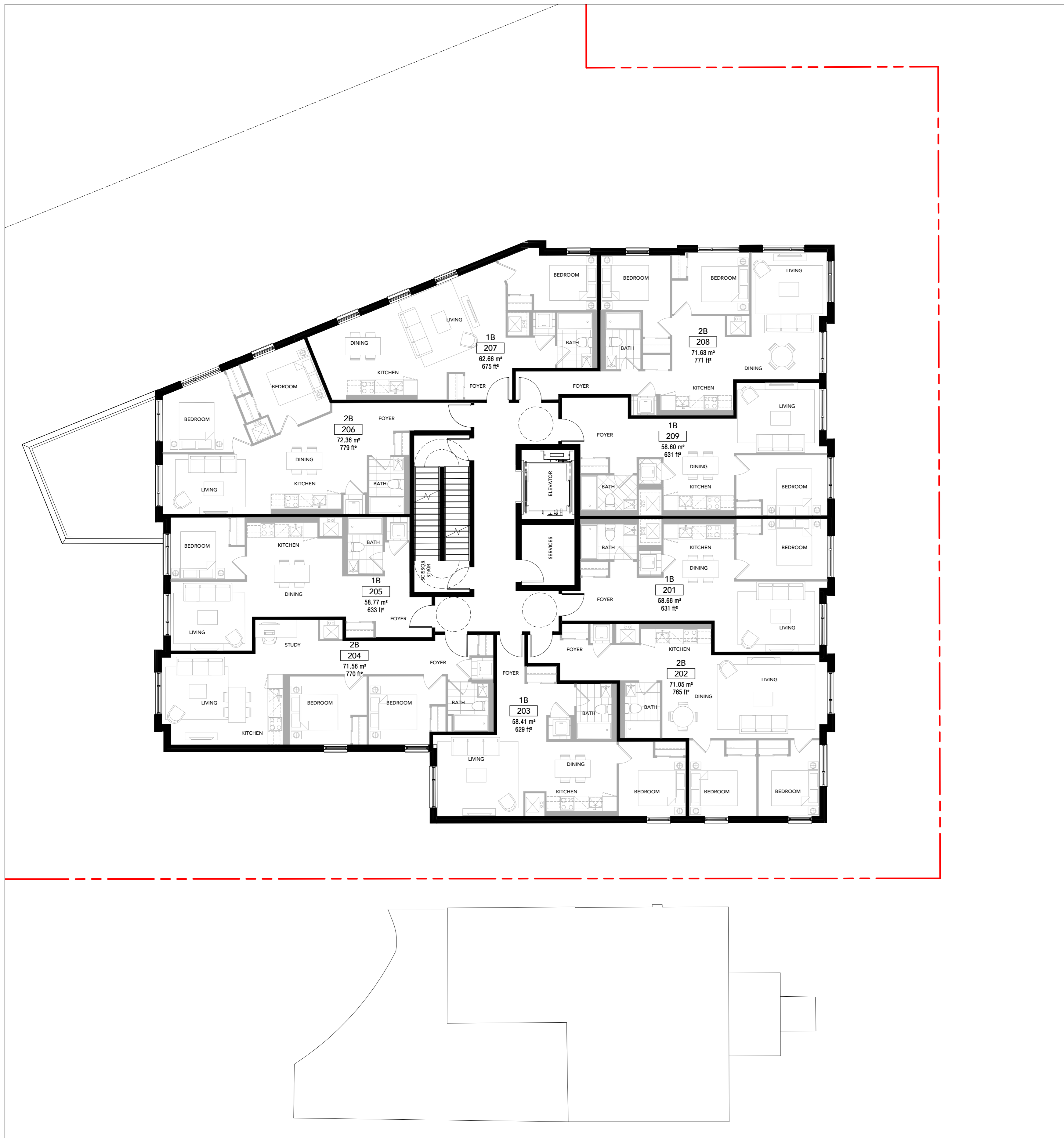
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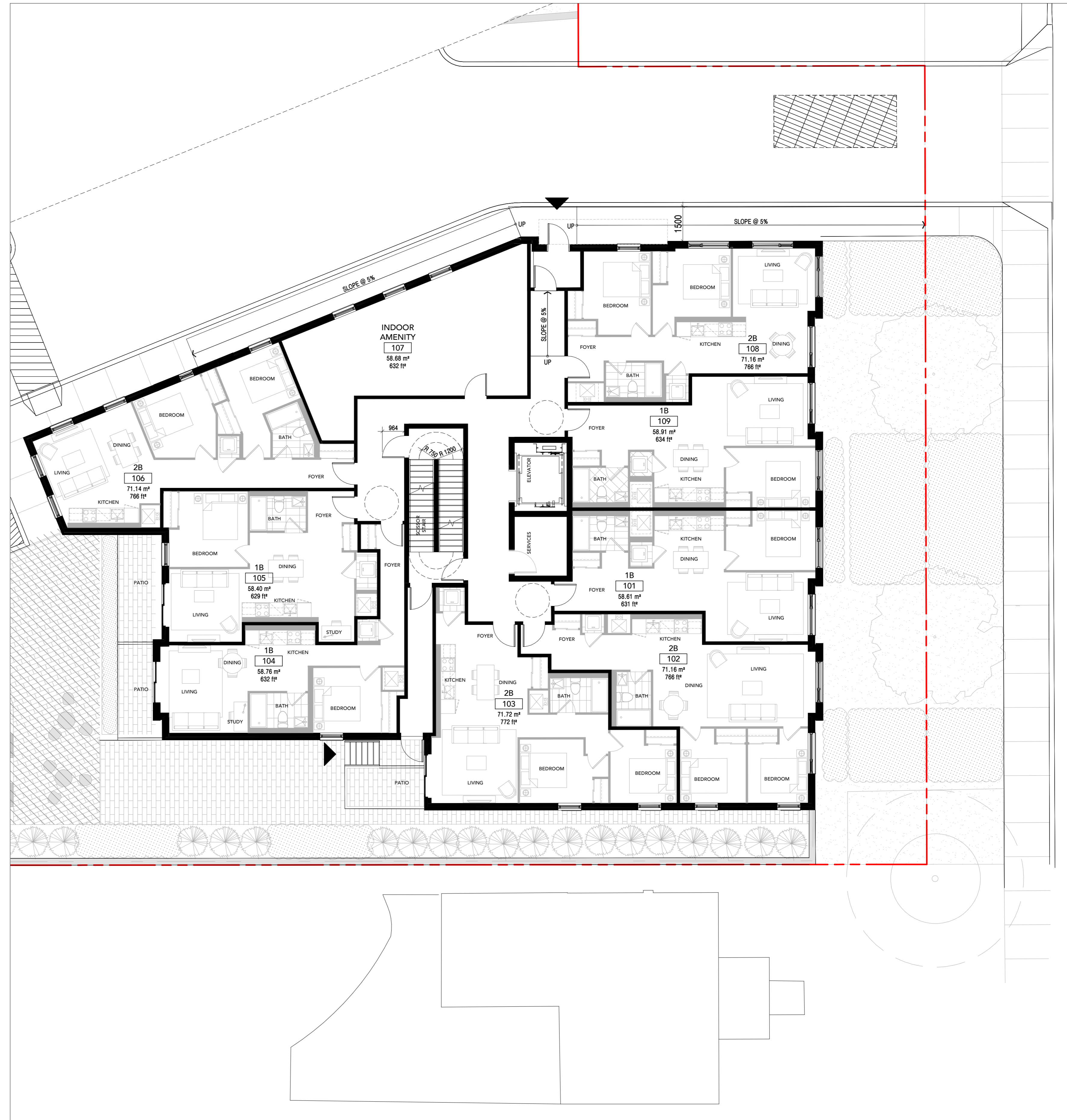
No.	Date	Note
1	21/07/21	ISSUED FOR ZBA SUBMISSION 2
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Existing Rental Units							Proposed Rental Units					Area Comparison (%)
Existing Suite #	Unit Location	1B	2B	3B	Existing Unit Area (sqm)	Existing Unit Area (sf)	Proposed Suite #	1B	2B	3B	Proposed Unit Area (sqm)	
<b>1625 Kingston Rd</b>												
Unit 201	Basement	1			73.21	788	108	1			71.15	766
Unit 202	Basement	1			71.16	766	102	1			58.91	634
Unit 203	Basement	1			60.22	648	109	1			74.31	800
Unit 204	Ground	1			73.21	788	401	1			71.24	767
Unit 205	Ground	1			73.21	788	104	1			58.76	632
Unit 206	Ground	1			60.22	648	105	1			58.4	629
Unit 207	Ground	1			60.22	648	202	1			71.05	765
Unit 208	Second	1			73.21	788	204	1			71.56	770
Unit 209	Second	1			73.21	788	209	1			58.6	631
Unit 210	Second	1			60.22	648	301	1			58.66	631
Unit 211	Second	1			60.22	648						
<b>1633 Kingston Rd</b>												
Unit 301	Basement	1			73.21	788	208	1			71.63	771
Unit 302	Basement	1			73.21	788	206	1			72.36	779
Unit 303	Ground	1			73.21	788	302	1			71.04	765
Unit 304	Ground	1			73.21	788	304	1			71.56	770
Unit 305	Ground	1			60.22	648	201	1			58.66	631
Unit 306	Ground	1			60.22	648	203	1			58.41	629
Unit 307	Second	1			73.21	788	306	1			72.35	779
Unit 308	Second	1			73.21	788	308	1			71.63	771
Unit 309	Second	1			60.22	648	205	1			58.77	633
Unit 310	Second	1			60.22	648	207	1			62.68	674
<b>1641 Kingston Rd</b>												
Unit 401	Basement	1			73.21	788	104	1			71.14	766
Unit 402	Basement	1			73.21	788	103	1			71.72	772
Unit 403	Basement	1			60.22	648	101	1			58.61	631
Unit 404	Ground	1			73.21	788	404	1			73.54	792
Unit 405	Ground	1			73.21	788	405	1			71.2	766
Unit 406	Ground	1			60.22	648	303	1			58.62	629
Unit 407	Ground	1			60.22	648	305	1			58.77	633
Unit 408	Second	1			73.21	788	406	1			71.33	768
Unit 409	Second	1			73.21	788	403	1			75.12	809
Unit 410	Second	1			60.22	648	307	1			62.66	674
Unit 411	Second	1			60.22	648	309	1			58.6	631
52 Birchcliff	Basement		1		78.97	850	407		1		78.77	848
<b>Totals</b>		14	18	1	2,239.83	24,109		14	18	1	2,202.76	23,710
<b>Total Units</b>						33	<b>Total Units</b>					33

## \* PRELIMINARY FLOOR PLANS



FLOOR PLAN - LEVEL 2  
SCALE: 1 : 100



FLOOR PLAN - LEVEL 1  
SCALE: 1 : 100



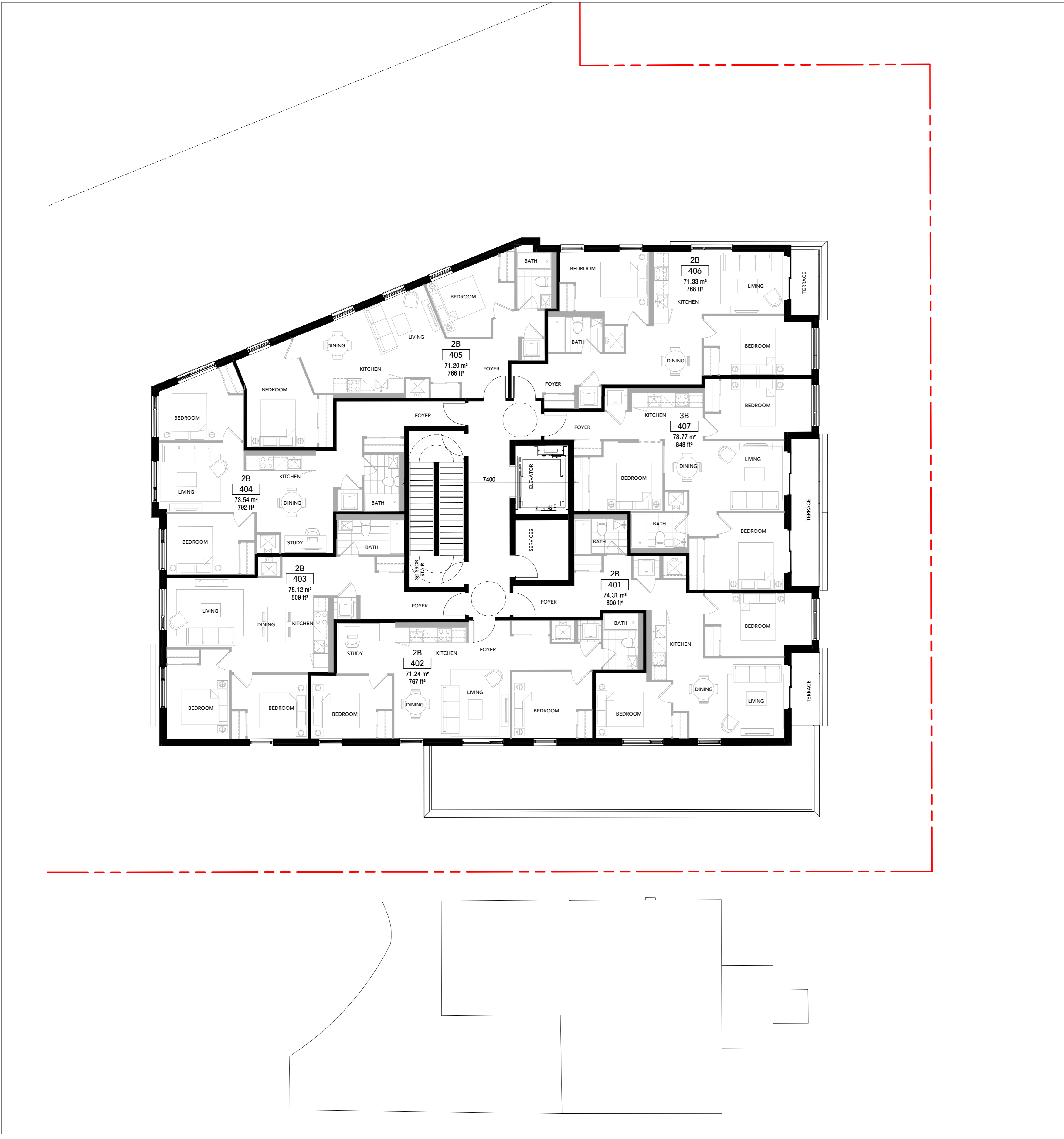
PROJECT NORTH TRUE NORTH SEAL  
1615 KINGSTON ROAD  
ALTREE  
1615 KINGSTON ROAD  
SCARBOROUGH ONTARIO  
Drawing Title:  
RR FLOOR PLANS

Project Manager Team: Project No: 19-140  
Author: Scale:  
Date Plotted: 2022-06-16 3:02:09 PM 1 : 100  
Drawing No.: A2 10

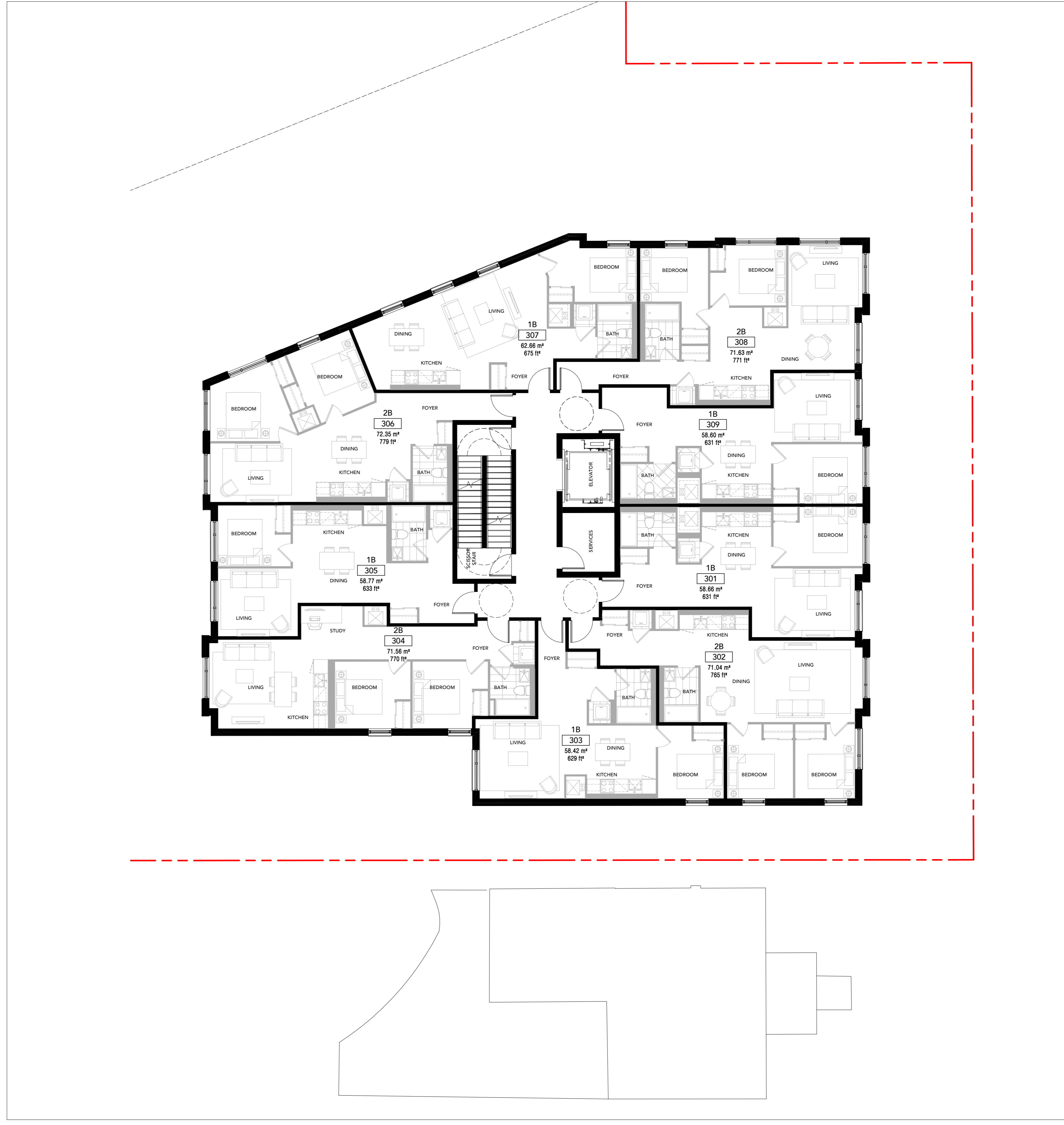
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FLOOR PLAN - LEVEL 4  
SCALE: 1 : 100  
2 / A211



FLOOR PLAN - LEVEL 3  
SCALE: 1 : 100  
1 / A211



1615 KINGSTON ROAD  
ALTREE  
1615 KINGSTON ROAD  
SCARBOROUGH ONTARIO  
Drawing Title:  
**RR FLOOR PLANS**

Project Manager Team: Author  
Date Plotted: 2022-06-16 3:02:11 PM  
Project No.: 19-140  
Scale: 1 : 100  
Drawing No.:

**A2 11**

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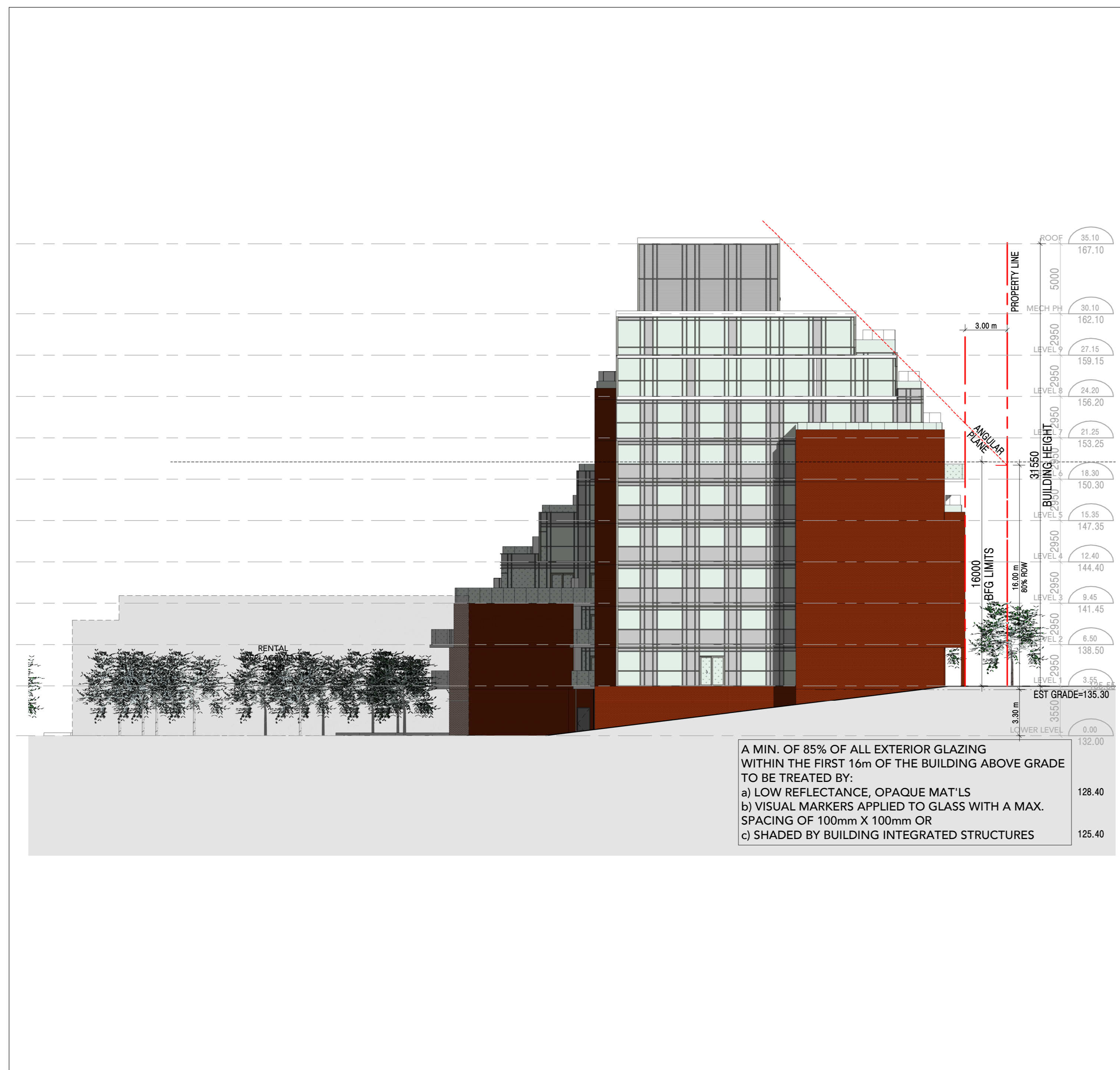
MATERIAL LEGEND	
[1]	MASONRY (RED BRICK)
[2]	EPS (WHITE)
[3]	PRECAST PANEL (GREY)
[4]	PRECAST PANEL (BEIGE)
[5]	PRECAST PANEL (BLACK)
[6]	METAL PANEL (BLACK)
[7]	SPANDREL (GREY)
[8]	SPANDREL (BLACK)
[9]	GLASS GUARD RAIL
[10]	BIRD FRIENDLY GLAZING
[11]	MULLIONS (BLACK)
[12]	MULLIONS (GREY)
[13]	FROSTED GLASS PRIVACY SCREEN



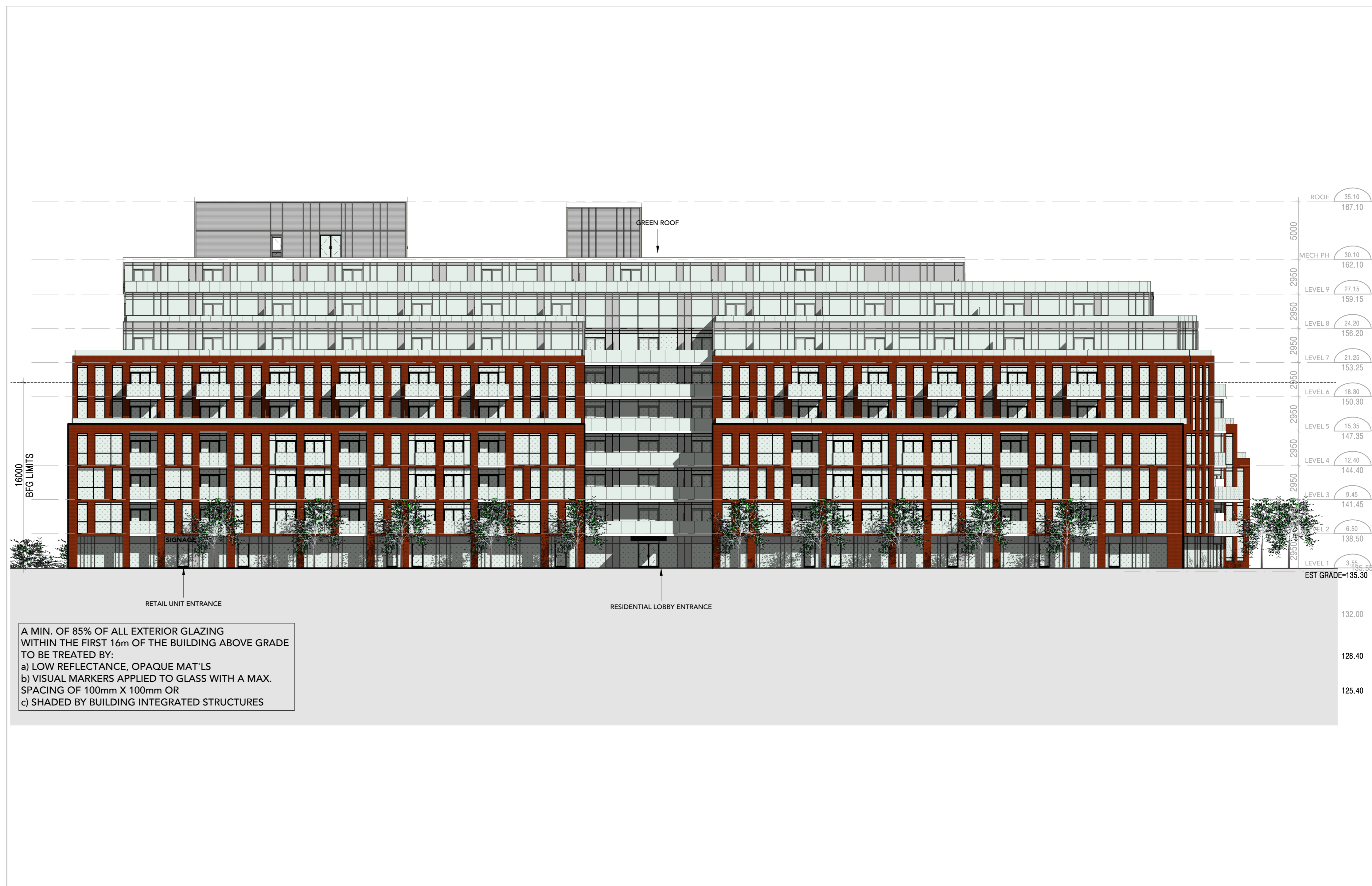
WEST ELEVATION 4  
SCALE: 1 : 200 A4 00



SOUTH ELEVATION 2  
SCALE: 1 : 200 A4 00



EAST ELEVATION 3  
SCALE: 1 : 200 A4 00



NORTH ELEVATION 1  
SCALE: 1 : 200 A4 00



ALTREE

Project: 1615 KINGSTON ROAD

1615 KINGSTON ROAD

SCARBOROUGH ONTARIO

Drawing Title: ELEVATIONS

Project Manager Team: MDC

Date Plotted: 2022-06-16 3:04:07 PM

Project No: 19-140

Scale: As indicated

Drawing No.:

A4 00