

CONFIDENTIAL APPENDIX "A"



Barristers & Solicitors

Bay Adelaide Centre
333 Bay Street, Suite 3400
Toronto, Ontario M5H 2S7

Telephone: 416.979.2211
Facsimile: 416.979.1234
goodmans.ca

Direct Line: 416.597.5168
jhoffman@goodmans.ca

March 6, 2023

Our File No.: 210896

Without Prejudice

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

Attention: Marc Hardiejowski

Dear Sirs/Mesdames:

**Re: 412 – 414 Marlee Avenue & 281 – 287 Hillmount Avenue, City of Toronto
Official Plan and Zoning By-law Amendment Applications
OLT Case No. OLT-22-004431 & OLT Case No. OLT-22-004432
Confidential and Without Prejudice Offer to Settle**

We are solicitors for Hillview Developments Limited, the owner of the property known municipally as 412 – 414 Marlee Avenue and 281 – 287 Hillmount Avenue in the City of Toronto (the “**Property**”). On behalf of our client, we are pleased to write with this without prejudice settlement offer in respect of the above-noted matter for City Council’s consideration. As you know, our client has engaged in discussions with City staff over the last several months regarding the redevelopment proposal for the Property. These discussions have resulted in revised plans, dated February 28, 2023, prepared by Graziani & Corazza Architects, which are attached to this letter (the “**Revised Proposal**”). Our client greatly appreciates the efforts of City staff in achieving this proposed settlement.

Background

The Property is located at the southwest corner of Marlee Avenue and Hillmount Avenue, equidistant between Lawrence Avenue West to the north and Eglinton Avenue West to the south. The Property is approximately 3,579 sq.m in size and has an “L” shape configuration, with approximately 71 metres of frontage along Marlee Avenue and 61 metres of frontage along Hillmount Avenue. The Property is in close proximity to transit, with the Glencairn Subway Station located approximately 280 metres east of the Property.

In December 2020, after pre-consultation with City staff, our client filed official plan and zoning by-law amendment applications to permit a 10 storey mixed-use building, with at-grade commercial uses along Marlee Avenue (the “**Applications**”). The Applications were circulated,



and comments were received from staff departments, agencies and the public. A Preliminary Staff Report was prepared and was considered at the North York Community Council meeting on June 21, 2021. In accordance with the recommendations of the Staff Report, a virtual Community Consultation Meeting was held on July 21, 2021.

In response to comments received from City Staff and other stakeholders, a resubmission of the Applications was made to the City in April 2022. Through the resubmission a number of changes were made to the proposal, with one key change to the proposal being the inclusion of 287 Hillmount Avenue. This addition completes the assembly of land between Marlee Avenue to the east and the private laneway that connects Hillmount Avenue to the school abutting the Property to the west, providing for better transition between the proposed mid-rise building and neighbouring residential houses to the west. After the resubmission, our client appealed the Applications to the Ontario Land Tribunal, while continuing a dialogue with City staff.

The Revised Proposal

Through discussions with City staff a number of further revisions to the Applications from the April 2022 resubmission have been made to the proposal that are fundamental components of this without prejudice settlement offer. These key features include the following:

- The overall height of the building has been reduced from 32.7 metres to 32.1 metres;
- A two metre landscape strip has been incorporated along the entire west / rear property lines;
- The side yard setback at the west lot line along Hillmount Avenue for the first and second stories of the building has been increased from 2 metres to 3.8 metres to accommodate a 2 metre landscape strip and 1.8 metre walkway;
- The side yard setback at the west lot line along Hillmount Avenue for the third and fourth stories of the building has been increased from 2 metres to 5.5 metres;
- The outdoor amenity space in relation to the west lot line has been set back an additional 3 metres, from 2 metres to 5.5 metres;
- At the south of the Property, a 5.5 metre stepback has now been introduced at the top of the 6th floor, rather than the top of the 7th floor;
- The underground (including ramp and parkade) as well as the southern portion of the building has been reconfigured to better ensure that the tree along the south west lot line of the Property can be retained;



- The commercial unit along Marlee Avenue has been widened to 14.99 metres and increased to 135 sq.m. in size, with a retail patio opportunity; and
- The lobby of the building has been reconfigured so that it now primarily fronts Marlee Avenue.

Conclusion

Our client is prepared to proceed to the Ontario Land Tribunal 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 agrees that, in the event City Council accepts this without prejudice settlement offer, the final order of the Ontario Land Tribunal would be withheld, pending completion of the following:

- the proposed Official Plan and Zoning By-law Amendment(s) are in a final form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
- The Chief Planner and Executive Director, City Planning has approved the Rental Housing Demolition Application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006;
- The owner has, at its sole cost and expense:
 - submitted a revised Functional Servicing Report and Stormwater Management Report, Hydrogeological Review, including the Foundation Drainage Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
 - made arrangements for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report and Stormwater Management Report, and Hydrogeological Review, including the Foundation Drainage Report, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development;
 - submitted a revised Transportation Impact Study, including an updated Parking and Loading Study and transportation demand management strategy satisfactory to the General Manger, Transportation Services and thereafter implement any such requirements as part of Site Plan Control application; and



- submitted an updated CFD (Computational Fluid Dynamics) pedestrian level wind study that reflects the revised proposal, including the identification of any required mitigation measures to be secured through the site plan process, all to the satisfaction of the Chief Planner and Executive Director, City Planning.

This without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on March 29, 2023, at which point it should be considered as withdrawn if not accepted by City Council.

As noted above, our client greatly appreciates the hard work of City staff that has enabled the presentation of this without prejudice settlement offer to City Council.

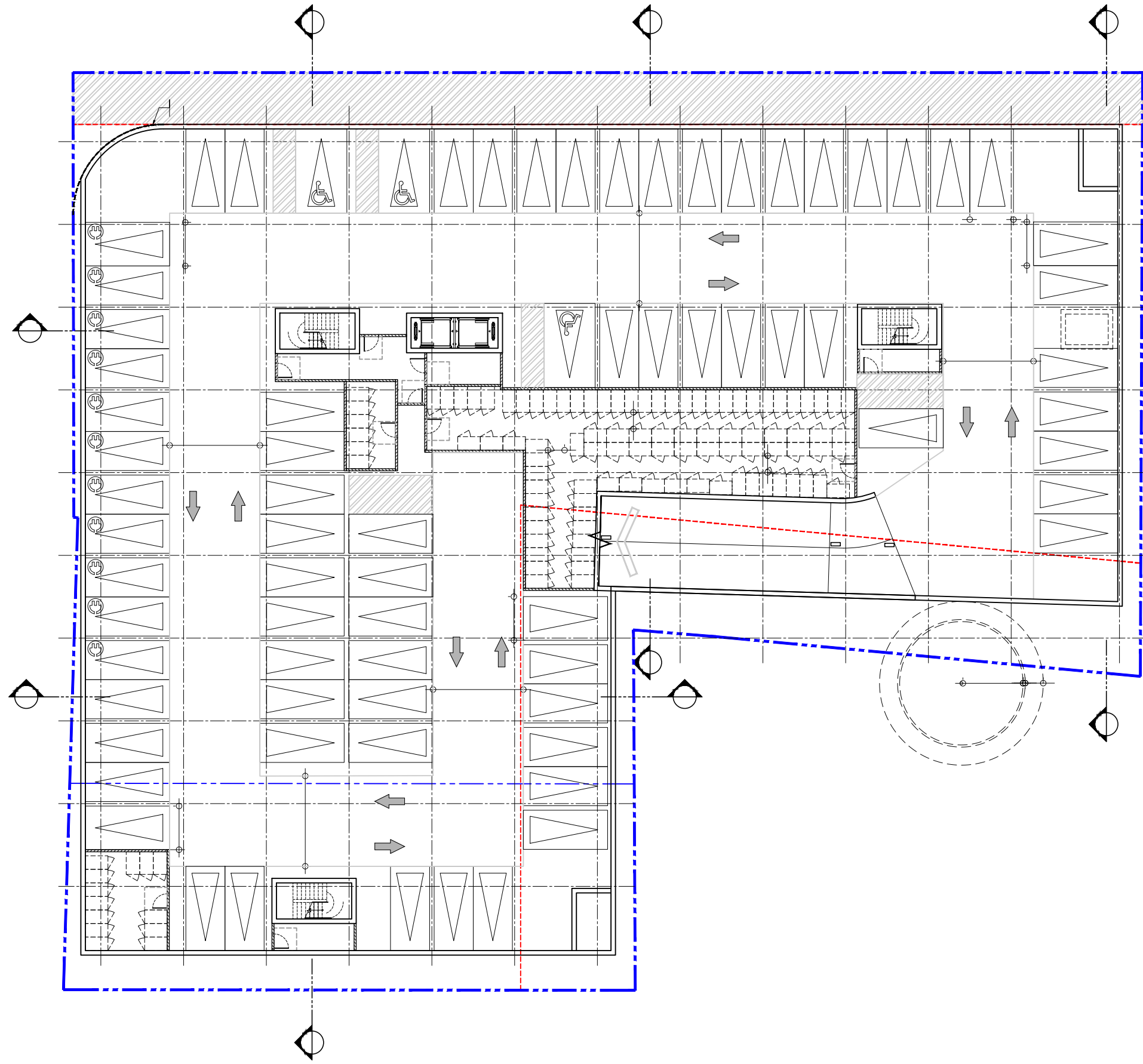
Please let us know if any additional information is required.

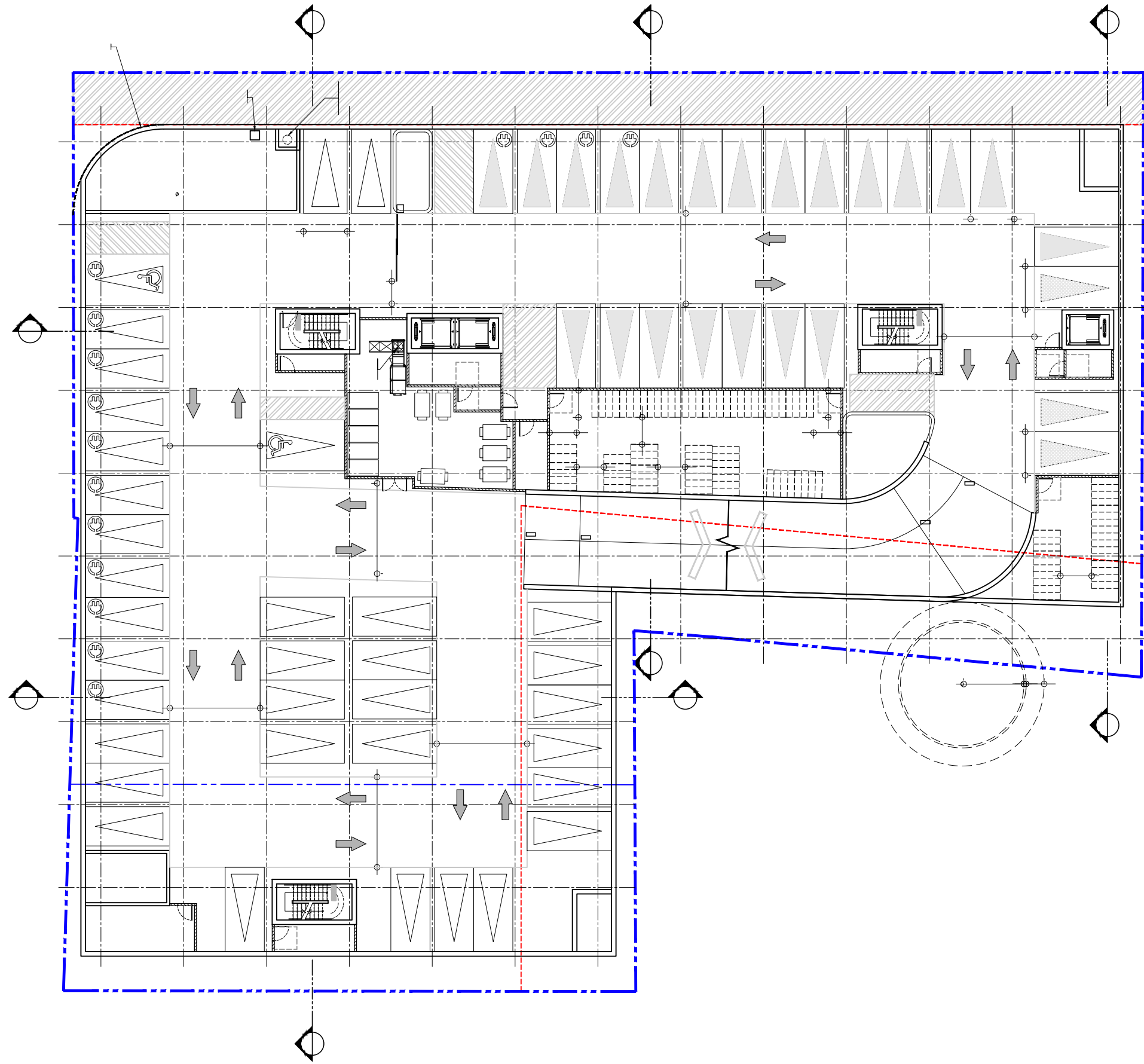
Yours truly,

Goodmans LLP

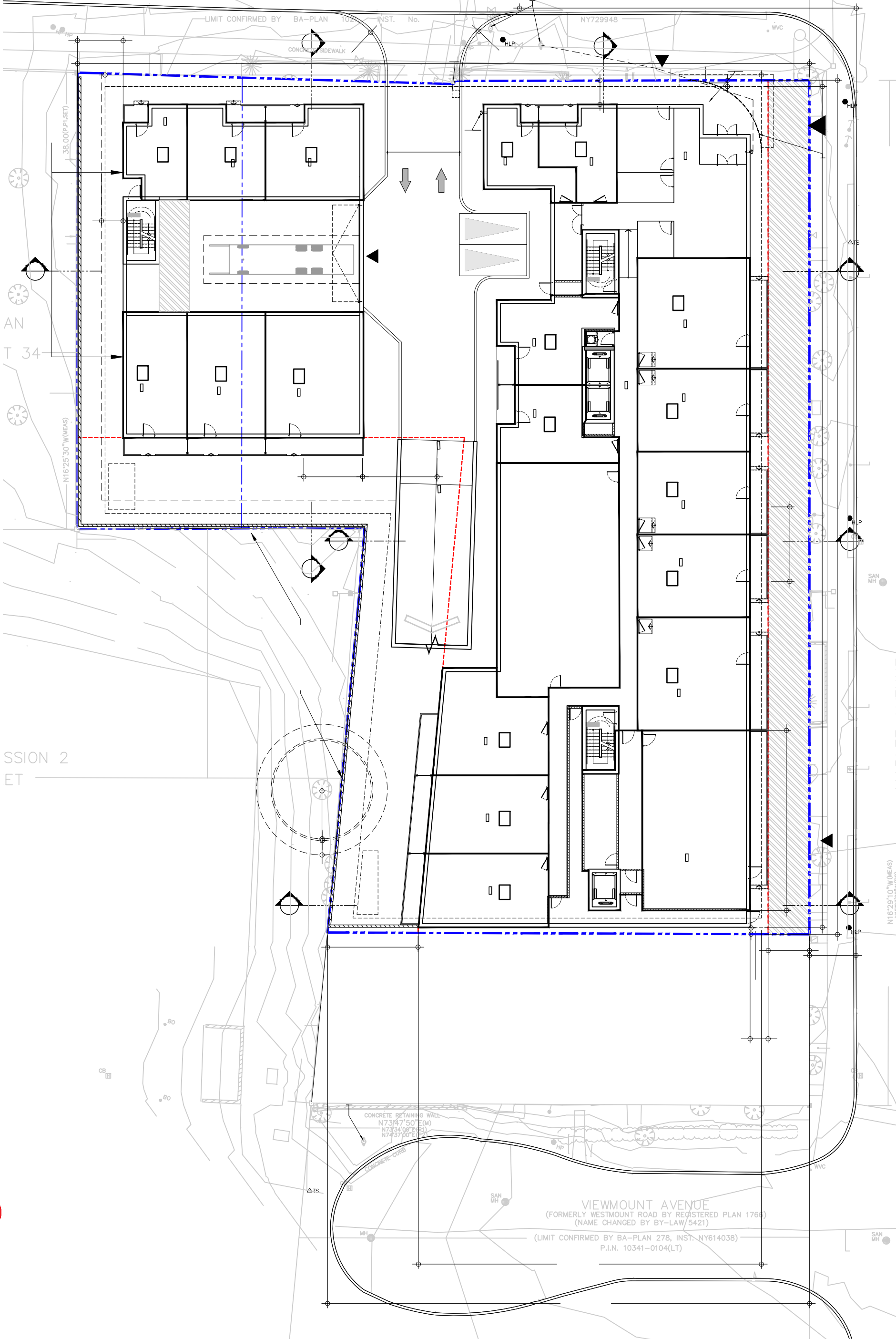
A handwritten signature in blue ink, appearing to read "Joe Hoffman", with a stylized flourish at the end.

Joe Hoffman
JBH/
7350414





HILLMOUNT AVENUE
(DEDICATED BY REGISTERED PLAN 3239)



AN
T 34

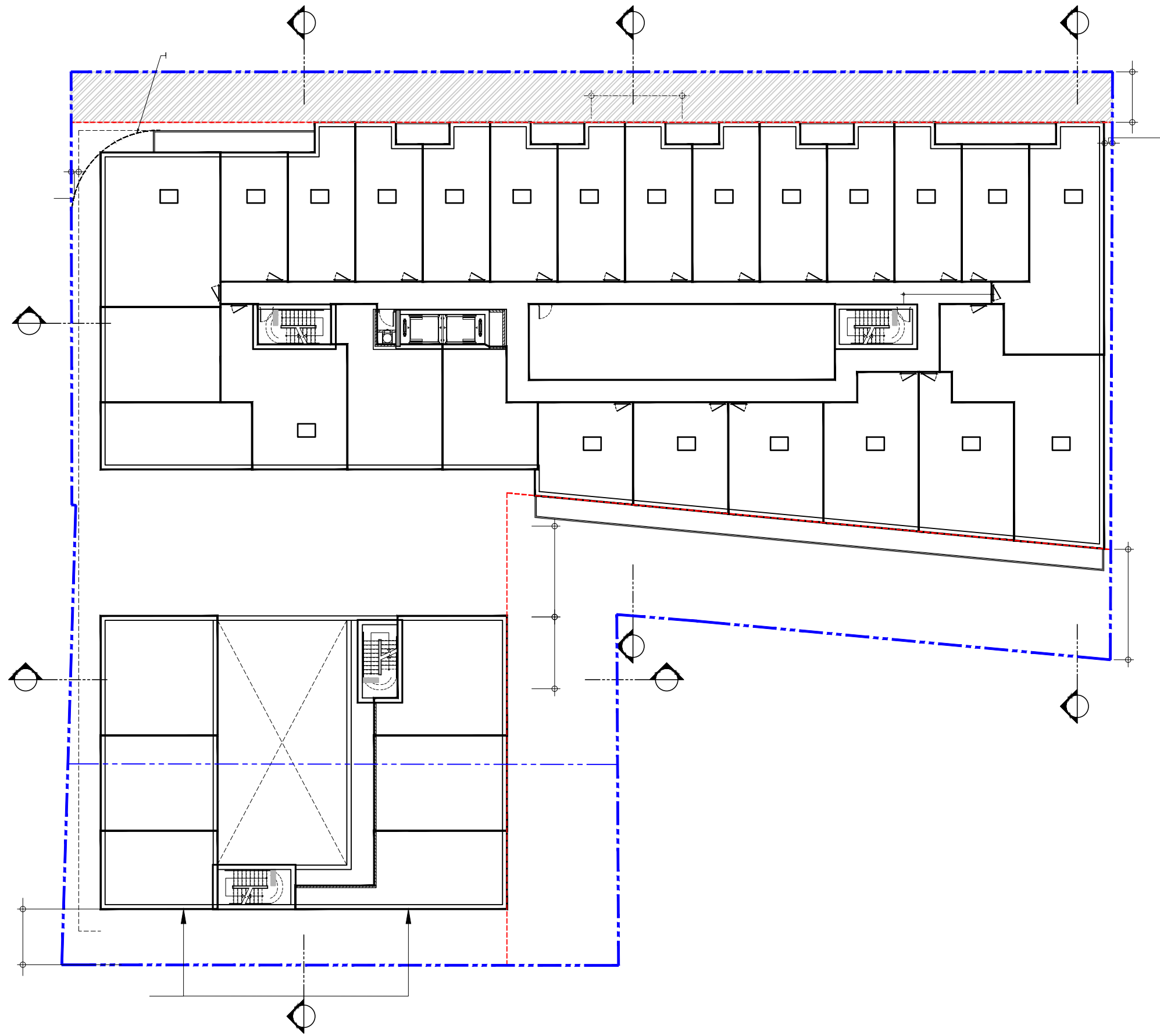
SSION 2
ET

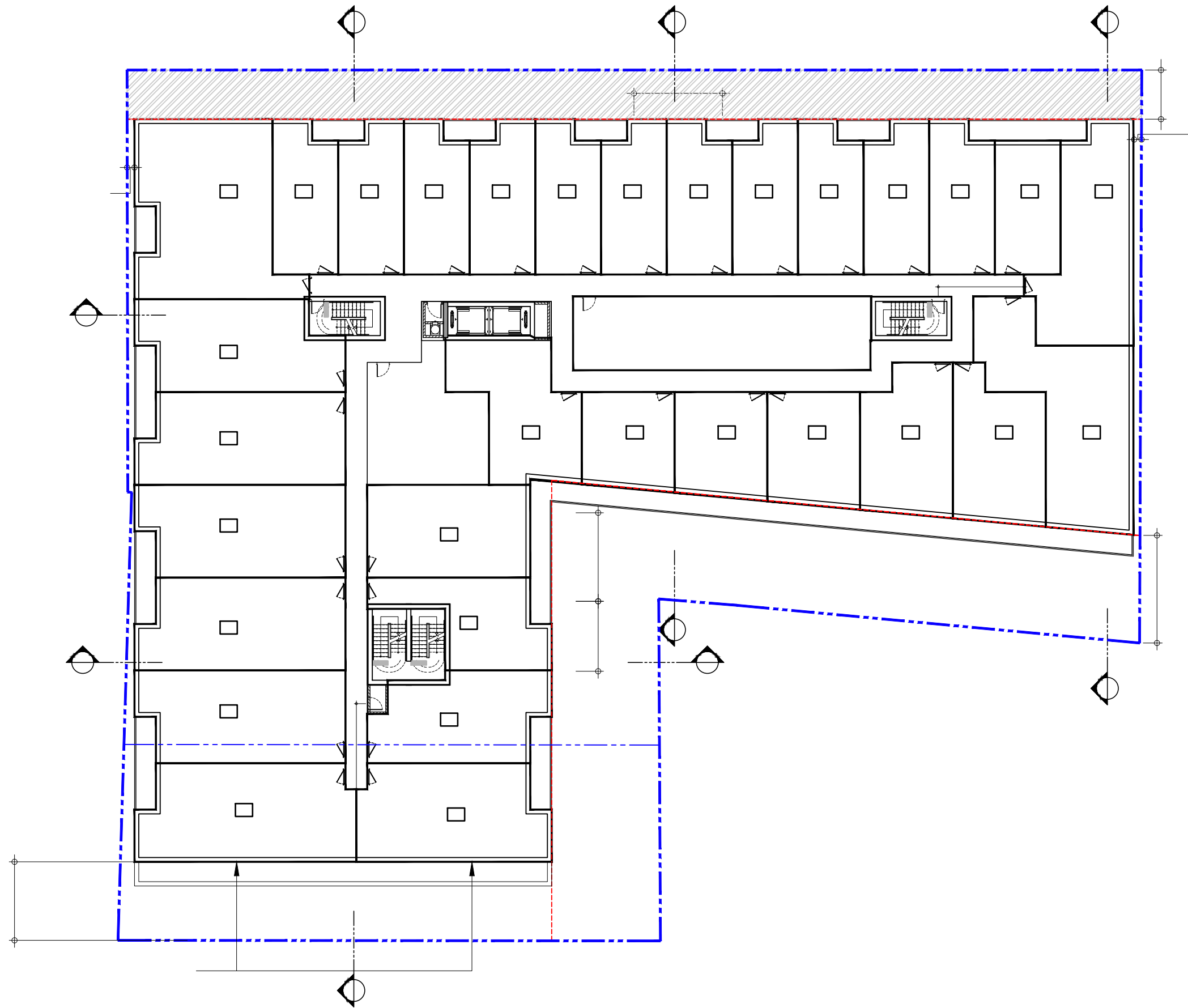
CONCRETE RETAINING WALL
N73°47'50"E (M)
N73°34'00"E (S)
N74°37'00"E (S)

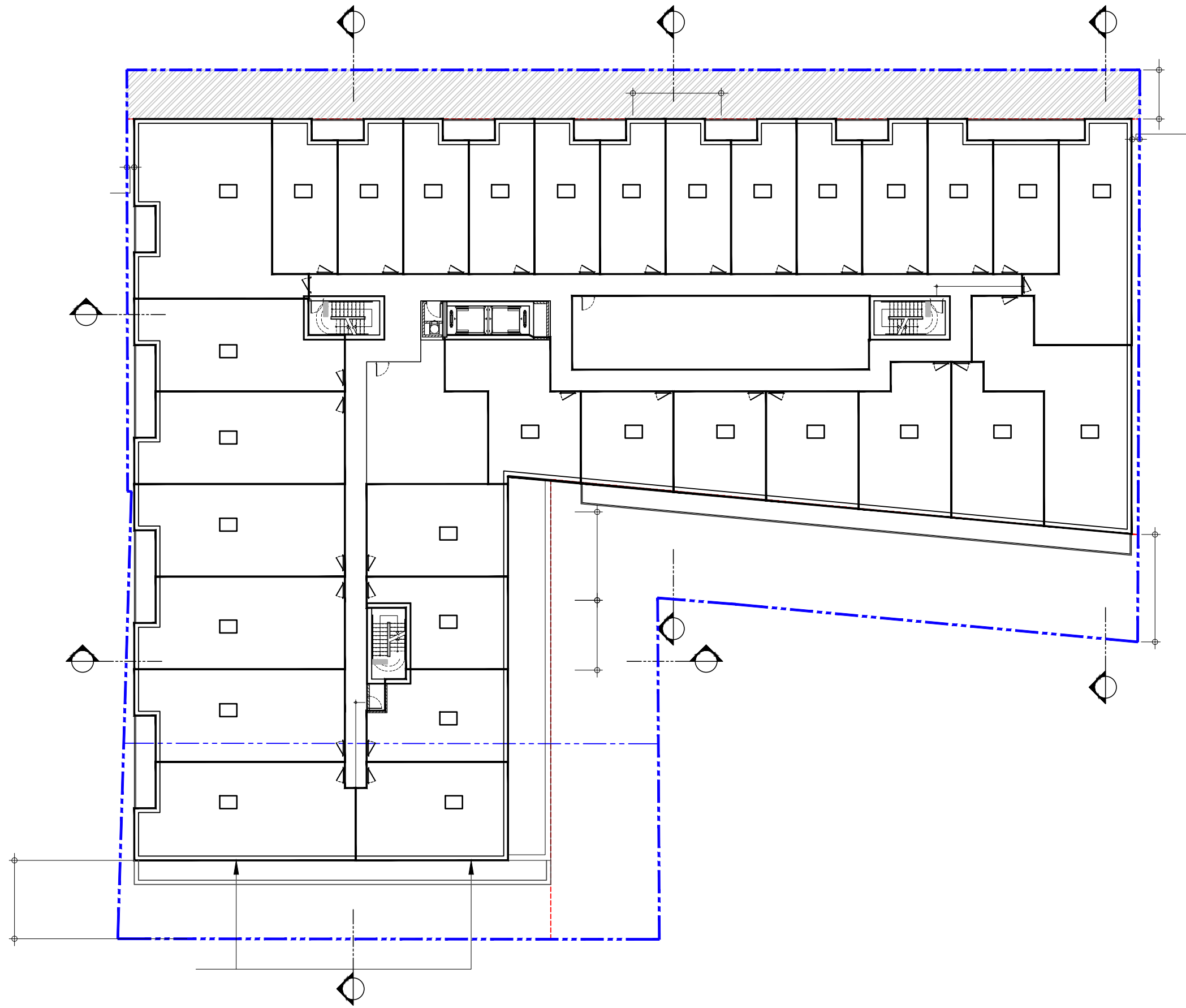
VIEWMOUNT AVENUE
(FORMERLY WESTMOUNT ROAD BY REGISTERED PLAN 1766)
(NAME CHANGED BY BY-LAW/5421)
(LIMIT CONFIRMED BY BA-PLAN 278, INST. NY614038)
P.I.N. 10341-0104(LT)

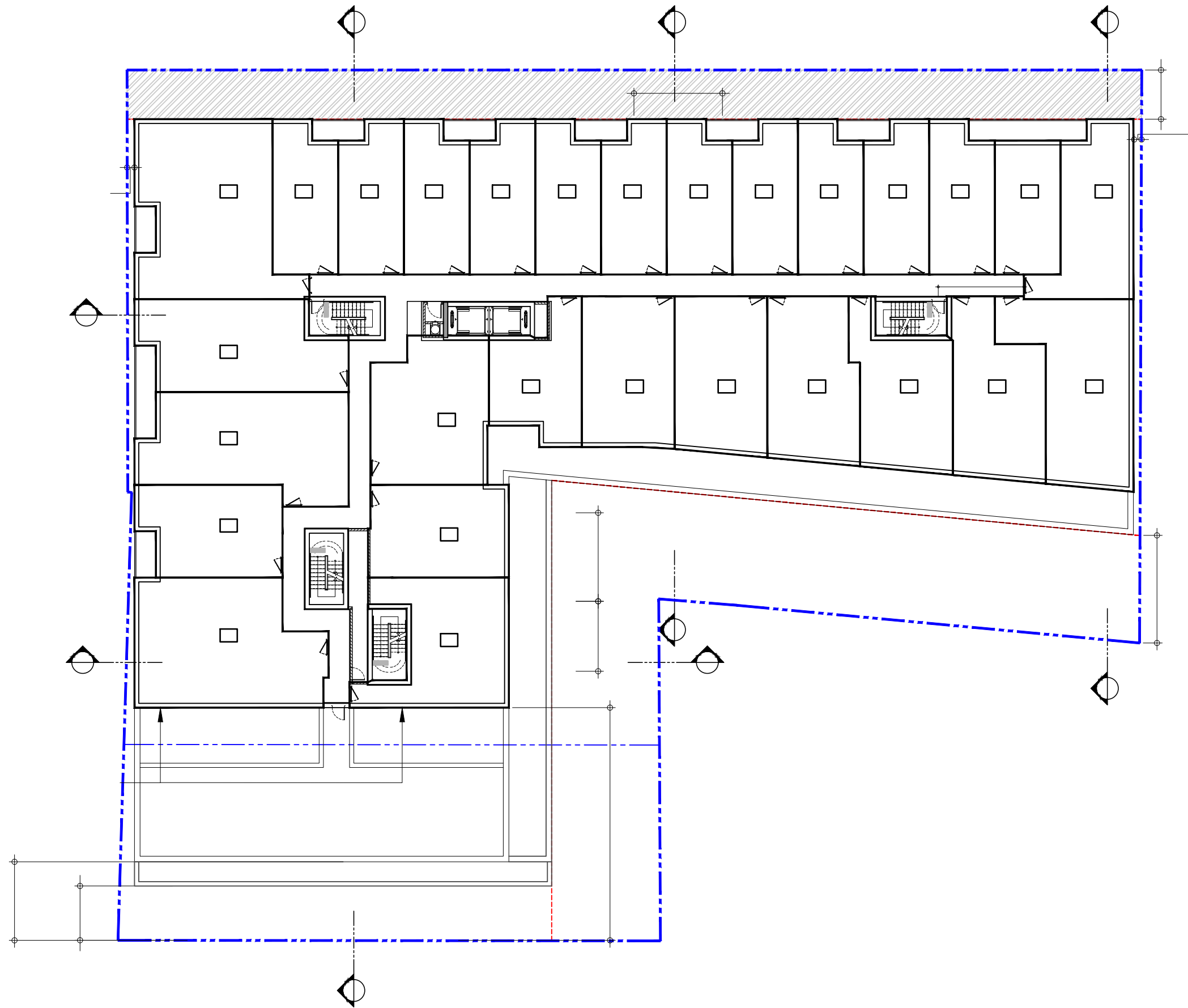


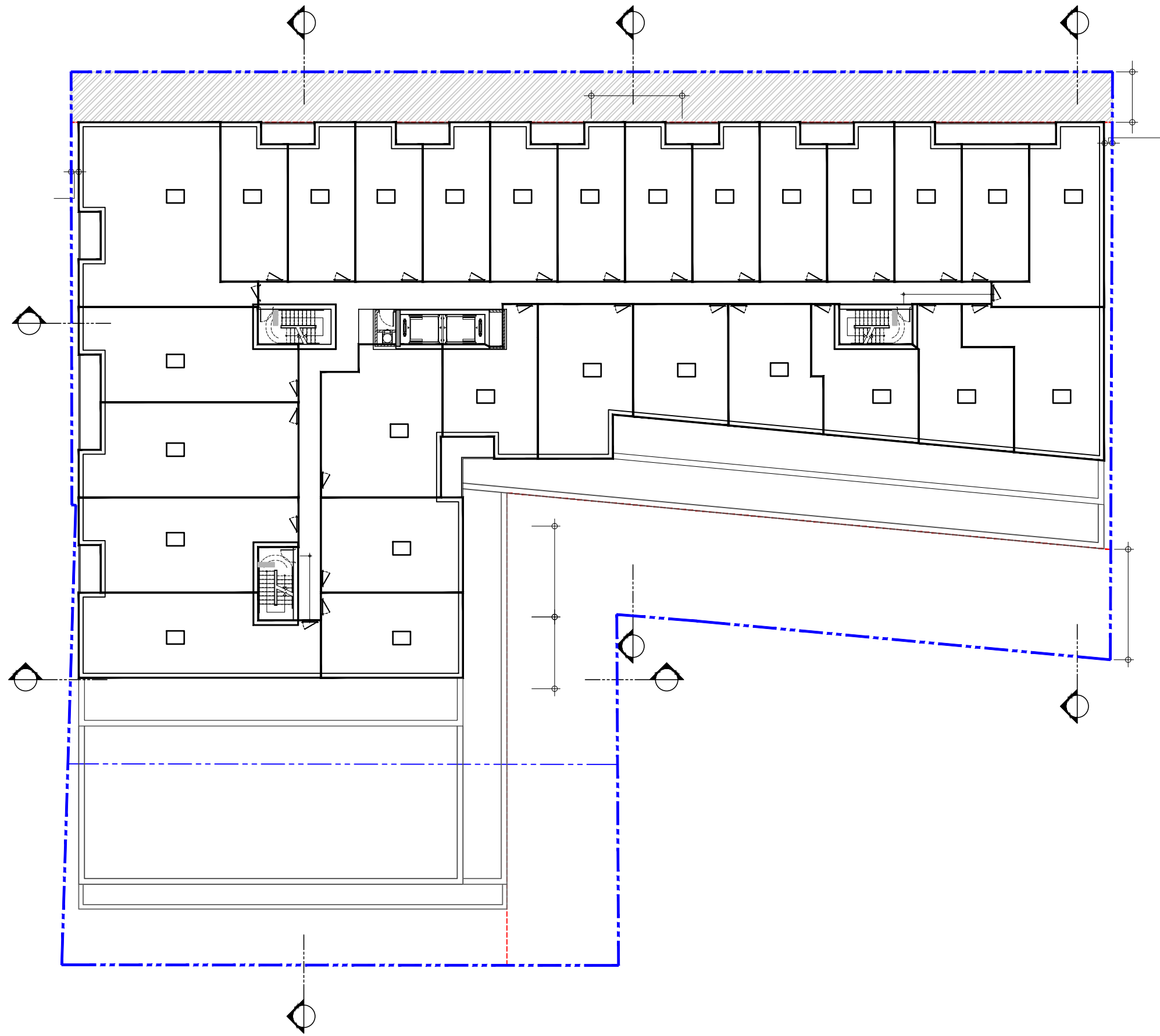
GRAZIANI
CORAZZA
ARCHITECTS

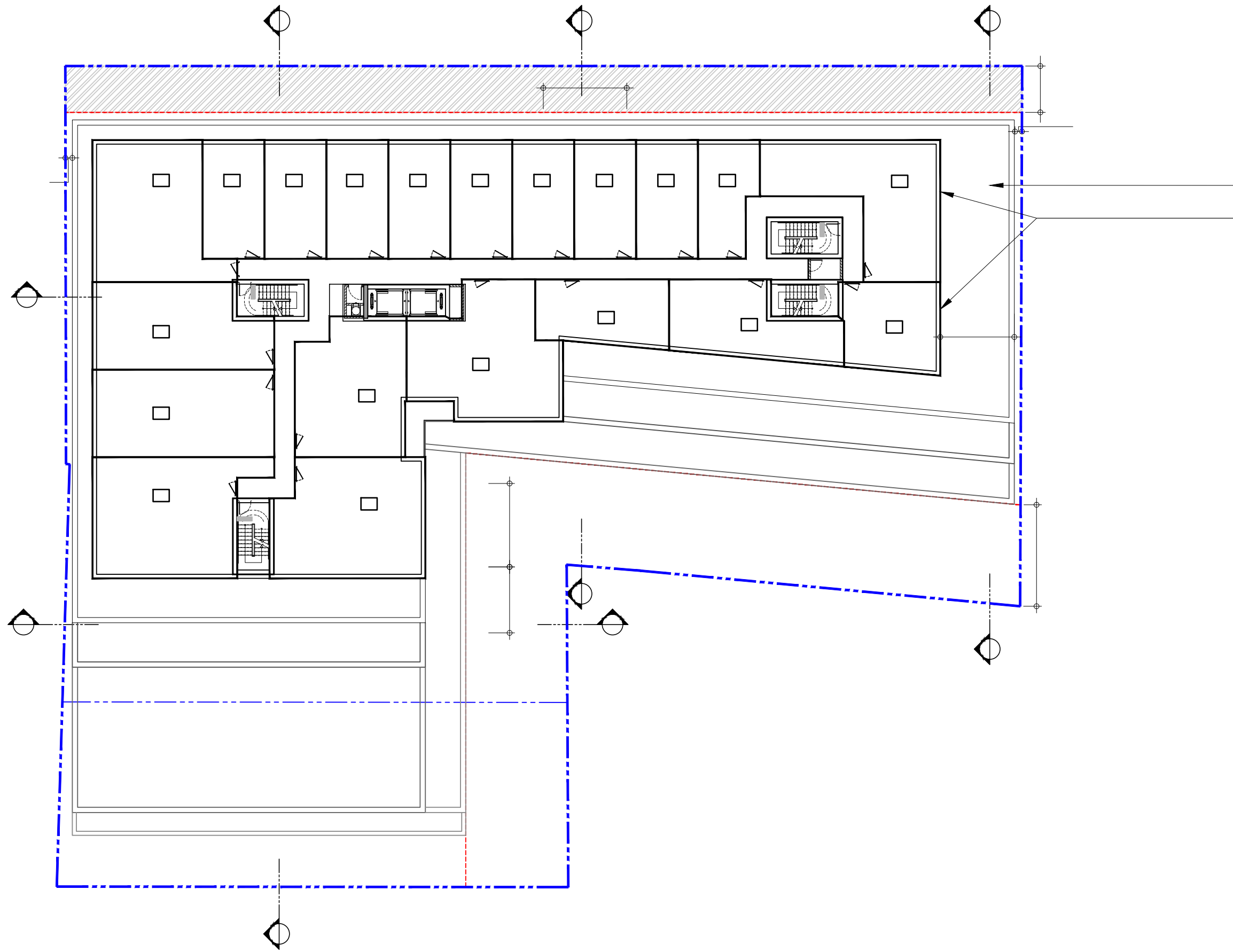


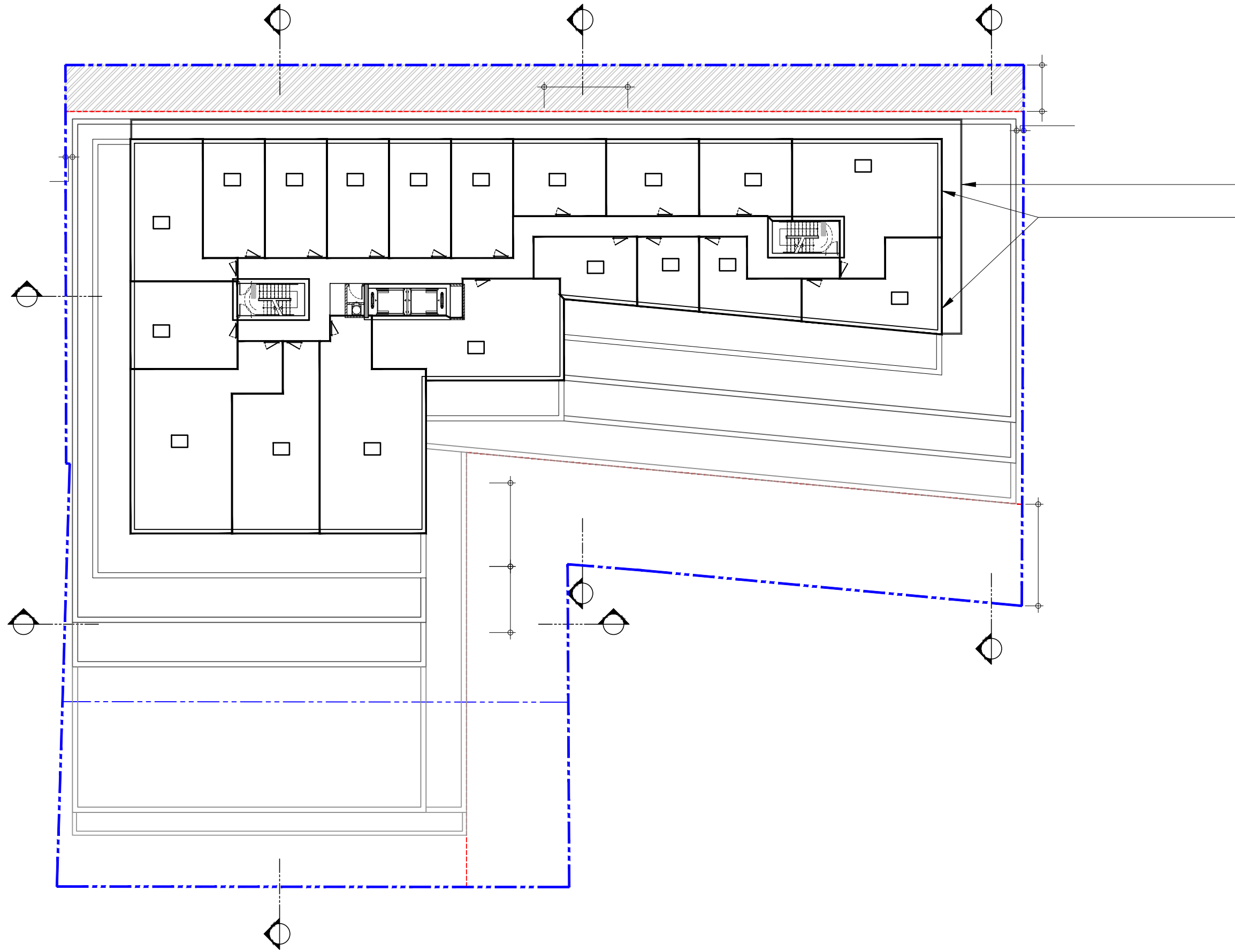


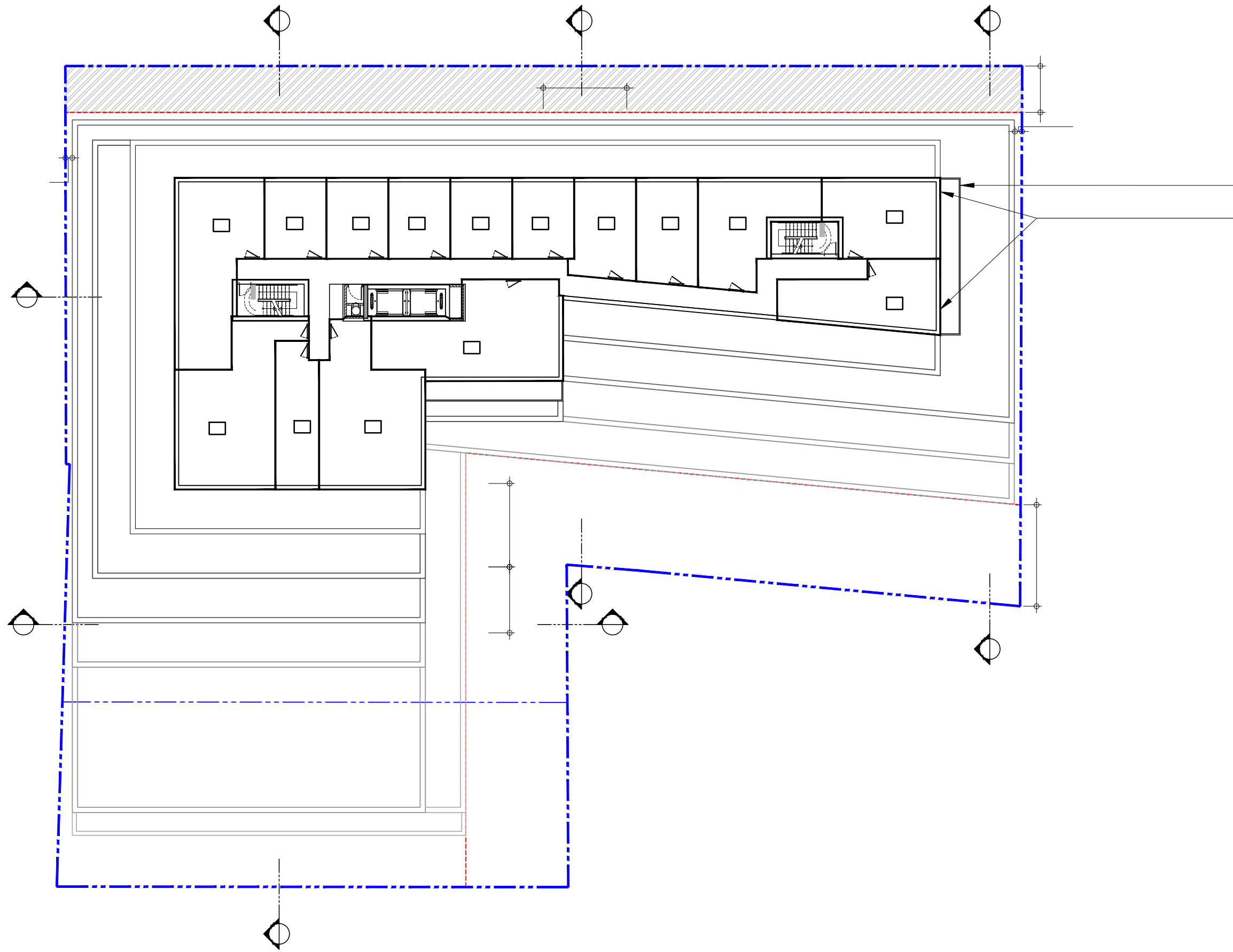


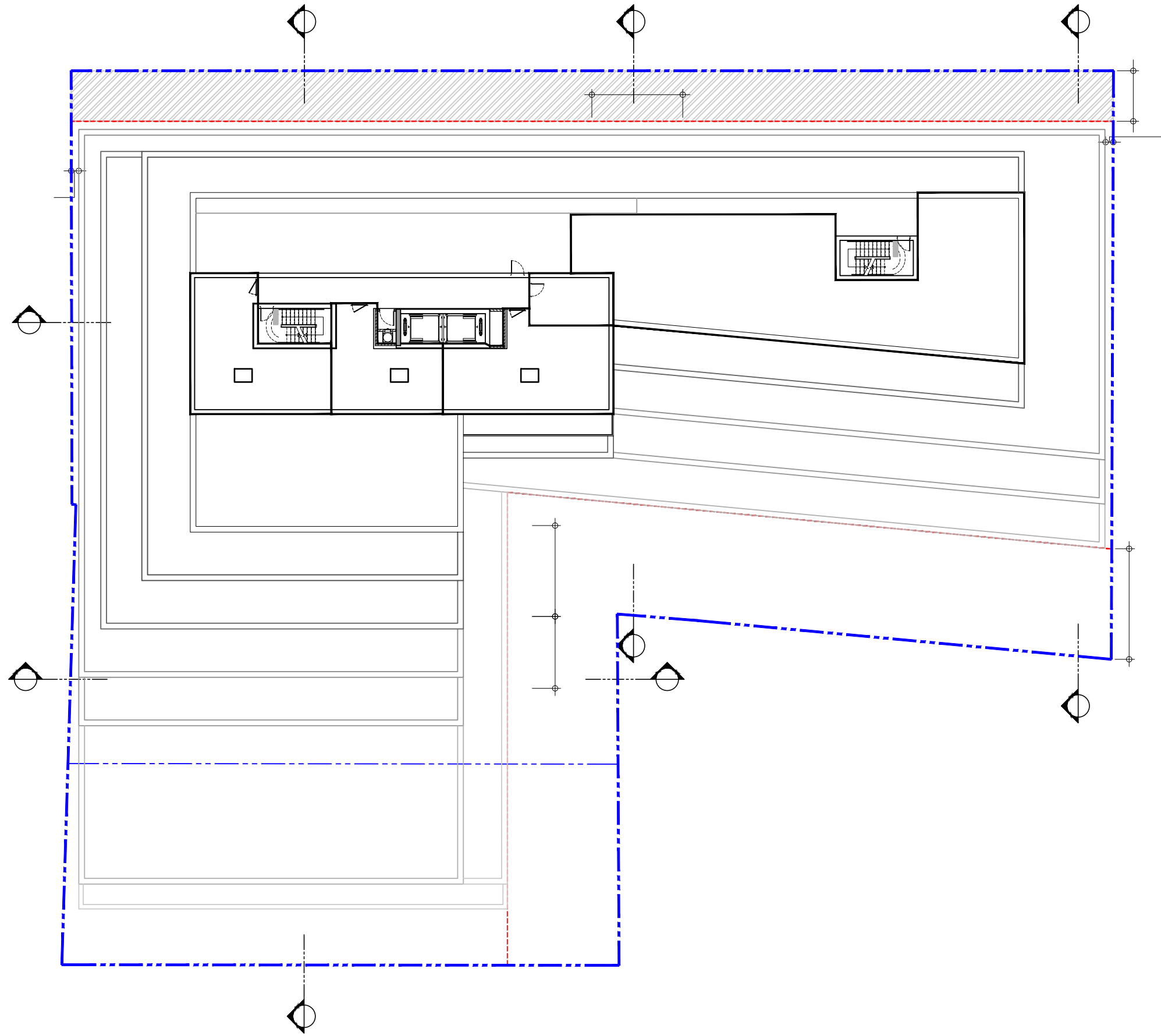


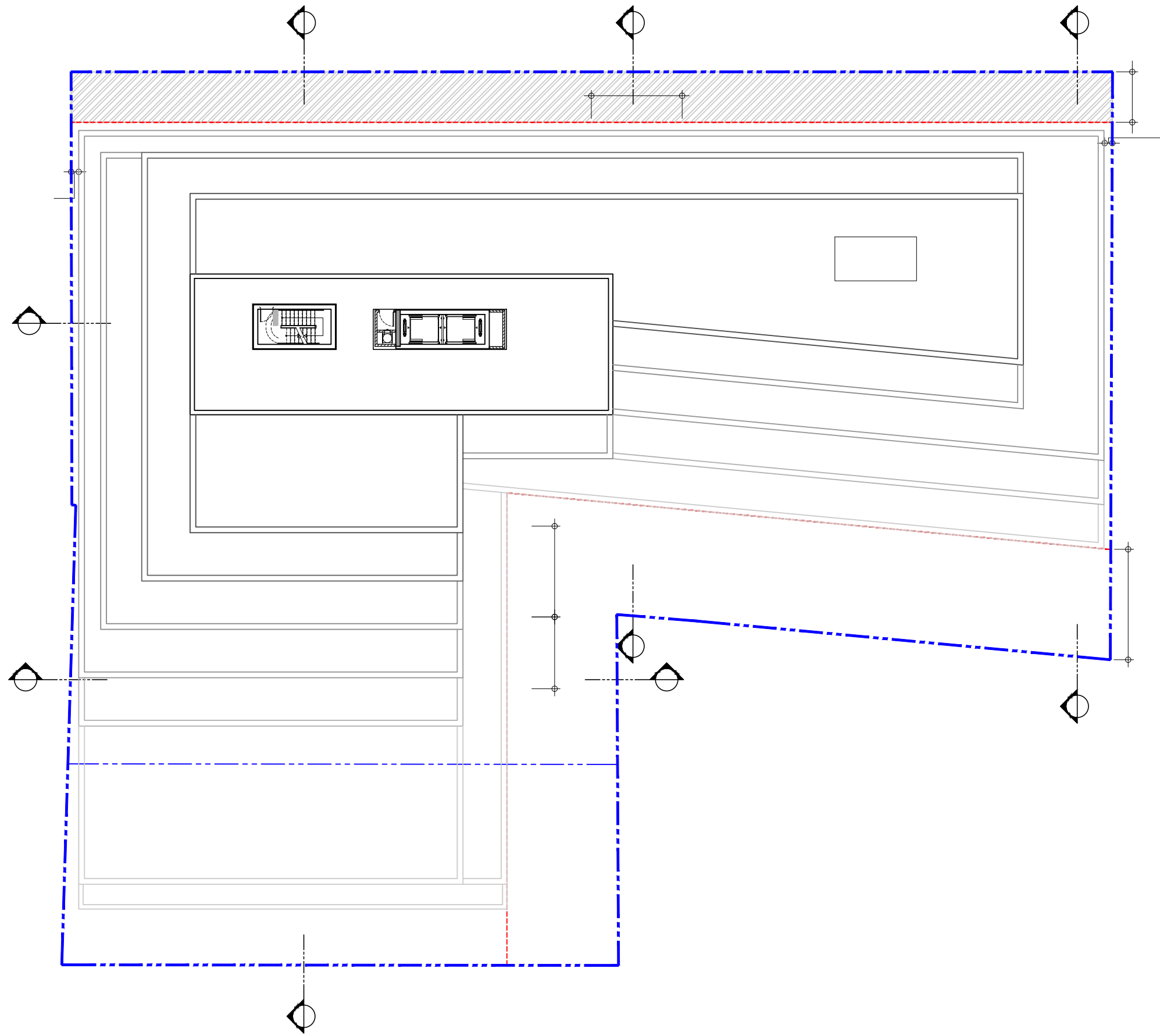


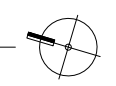
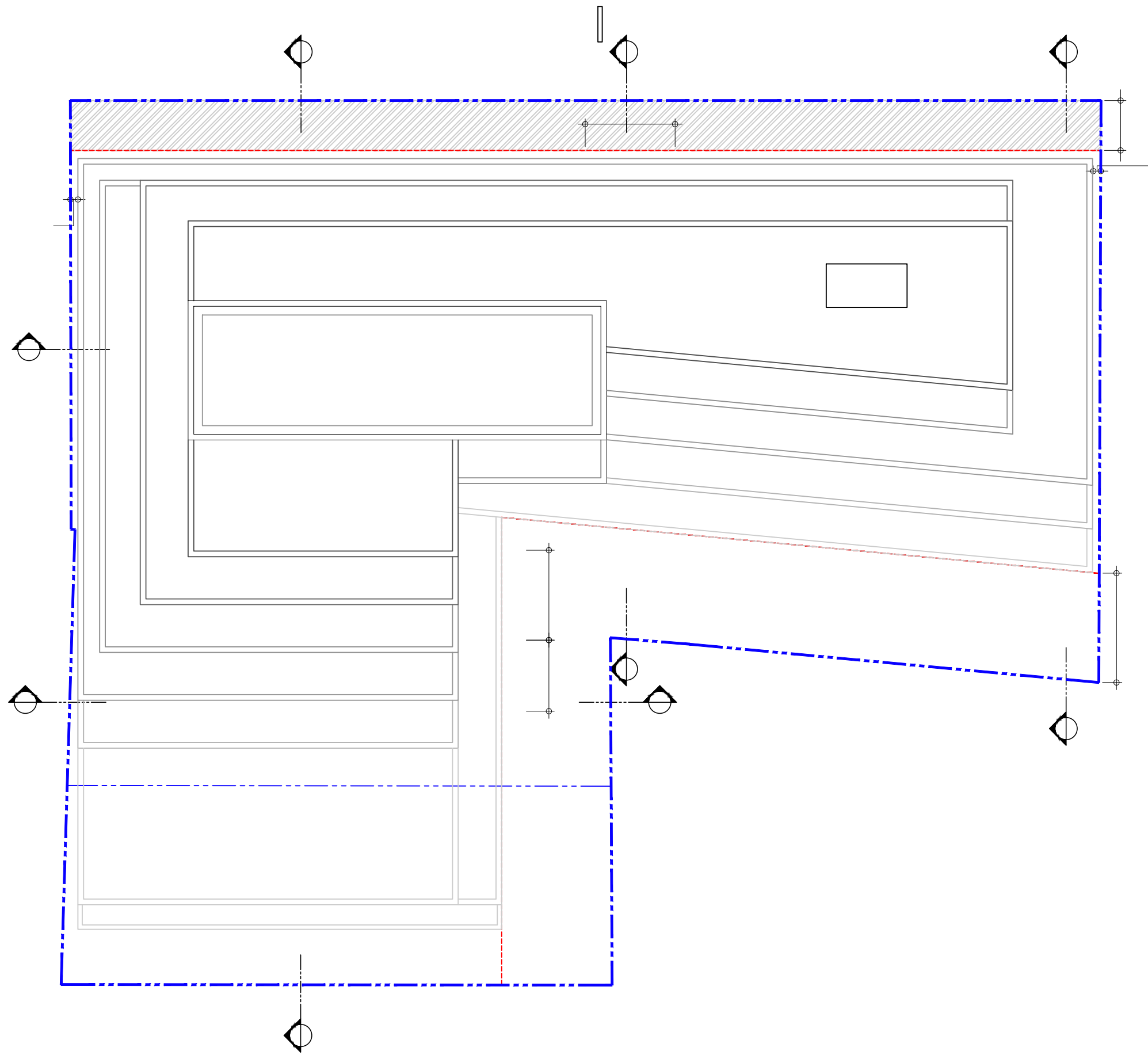


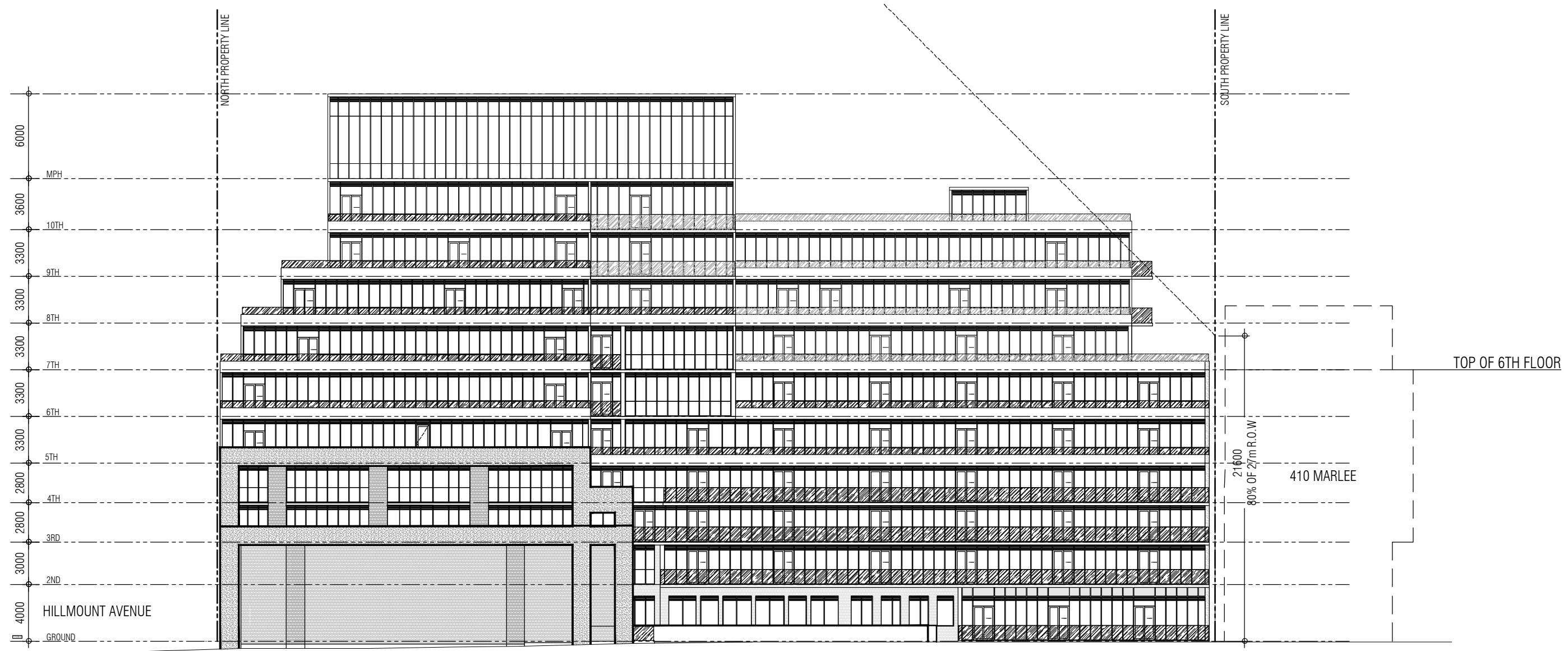






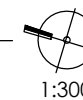






WEST

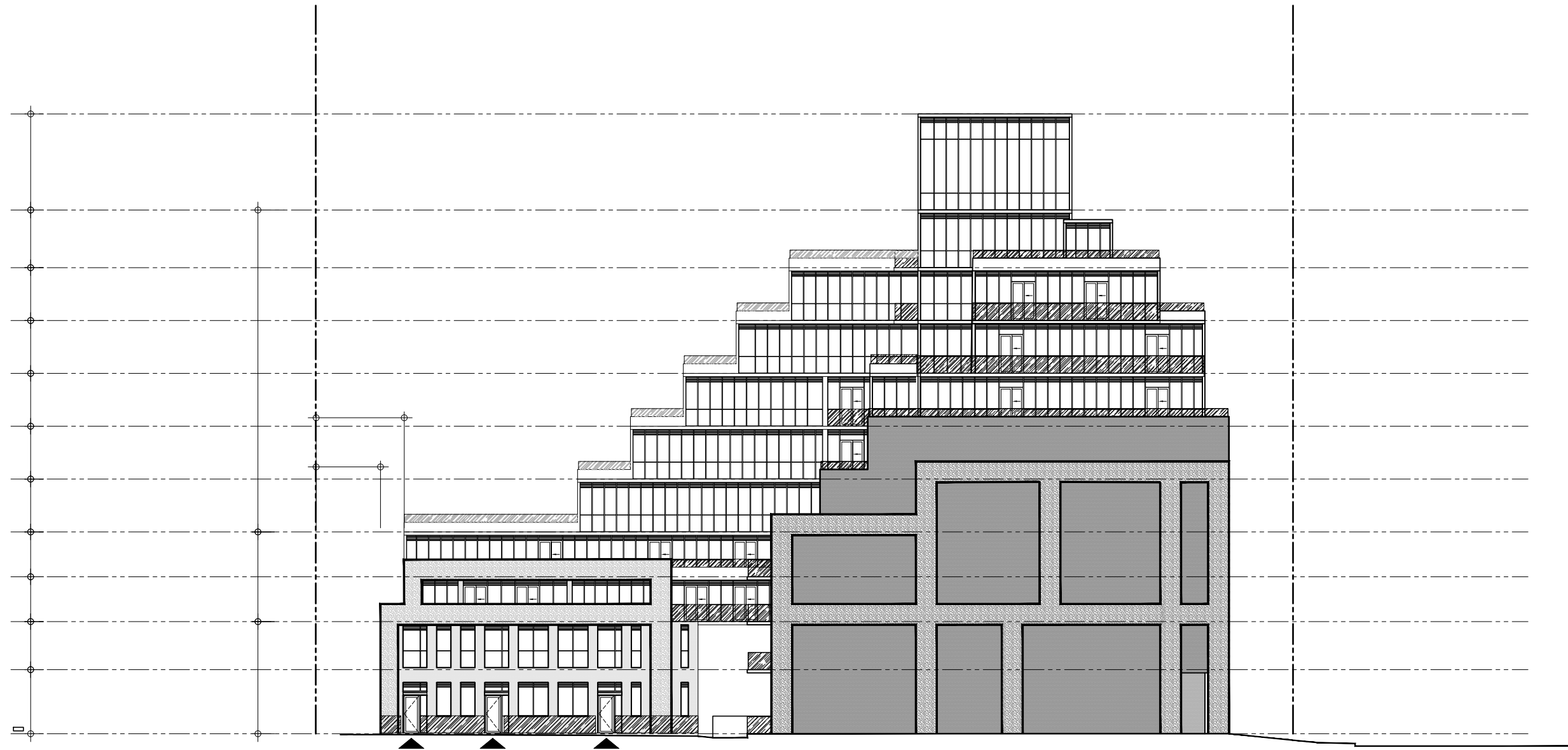
• ALTREE DEVELOPMENTS • MARLEE + HILLMOUNT • 1692.19 • Feb. 28, 2023



1:300



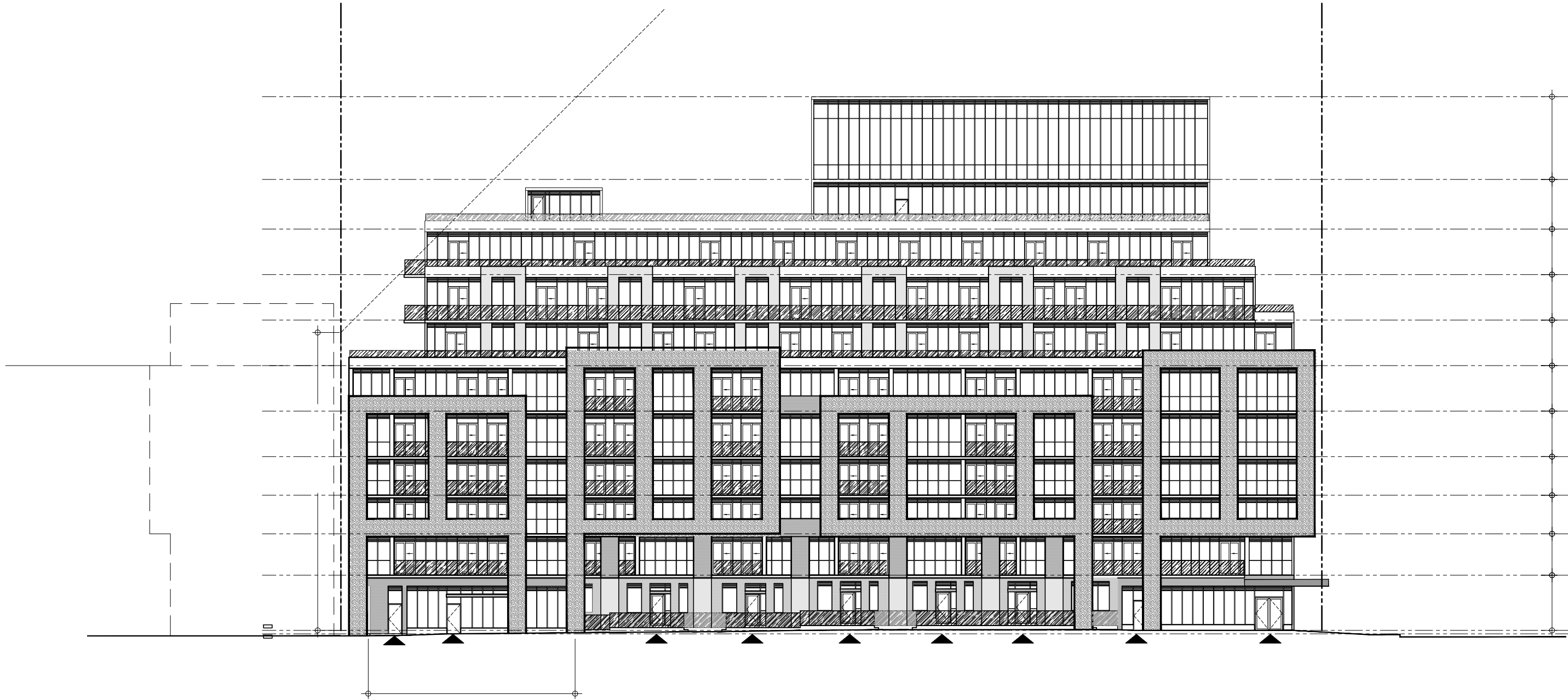
**GRAZIANI
CORAZZA
ARCHITECTS**



SOUTH

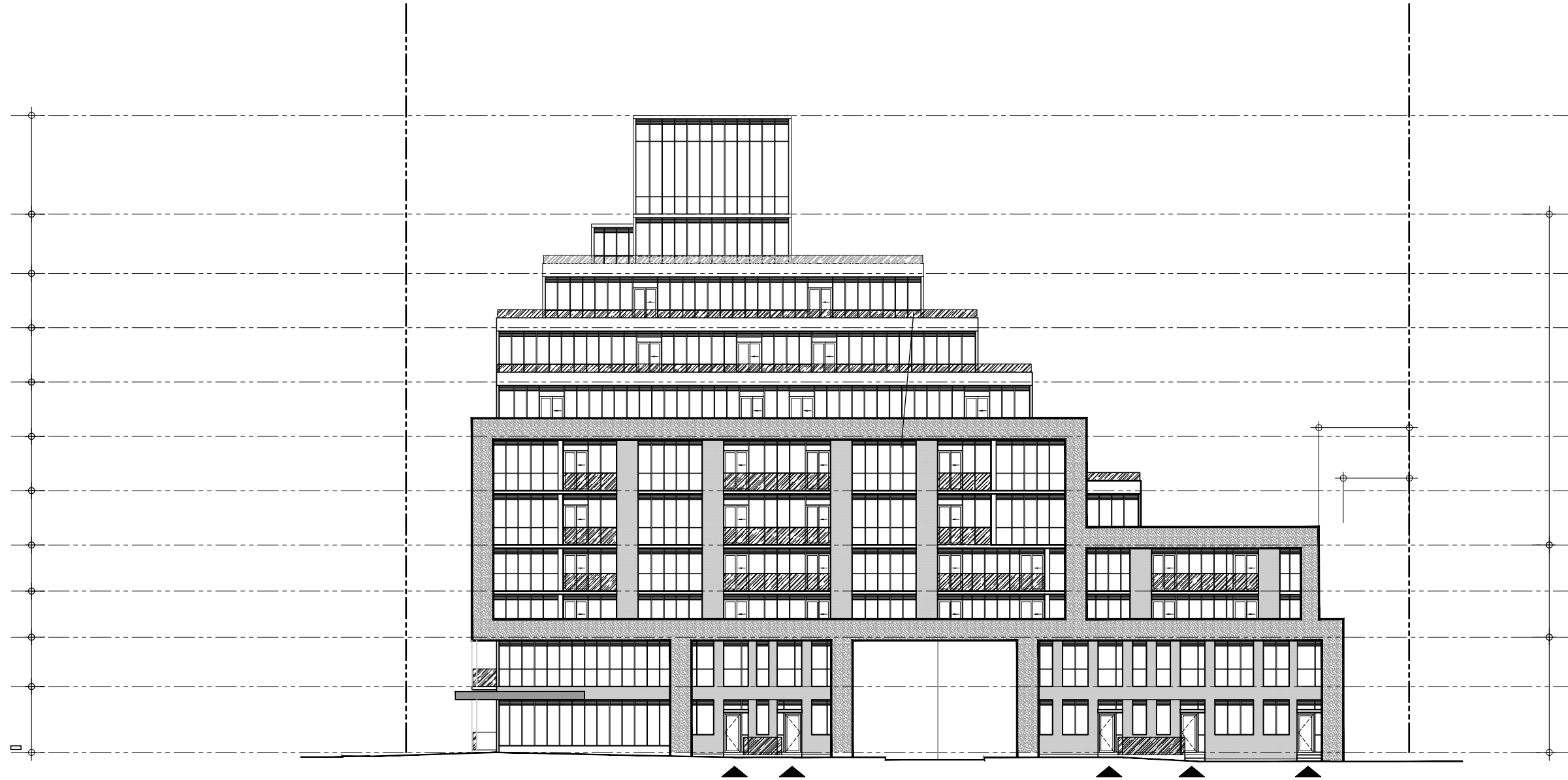
• ALTREE DEVELOPMENTS • MARLEE + HILLMOUNT • 1692.19 • Feb. 28, 2023





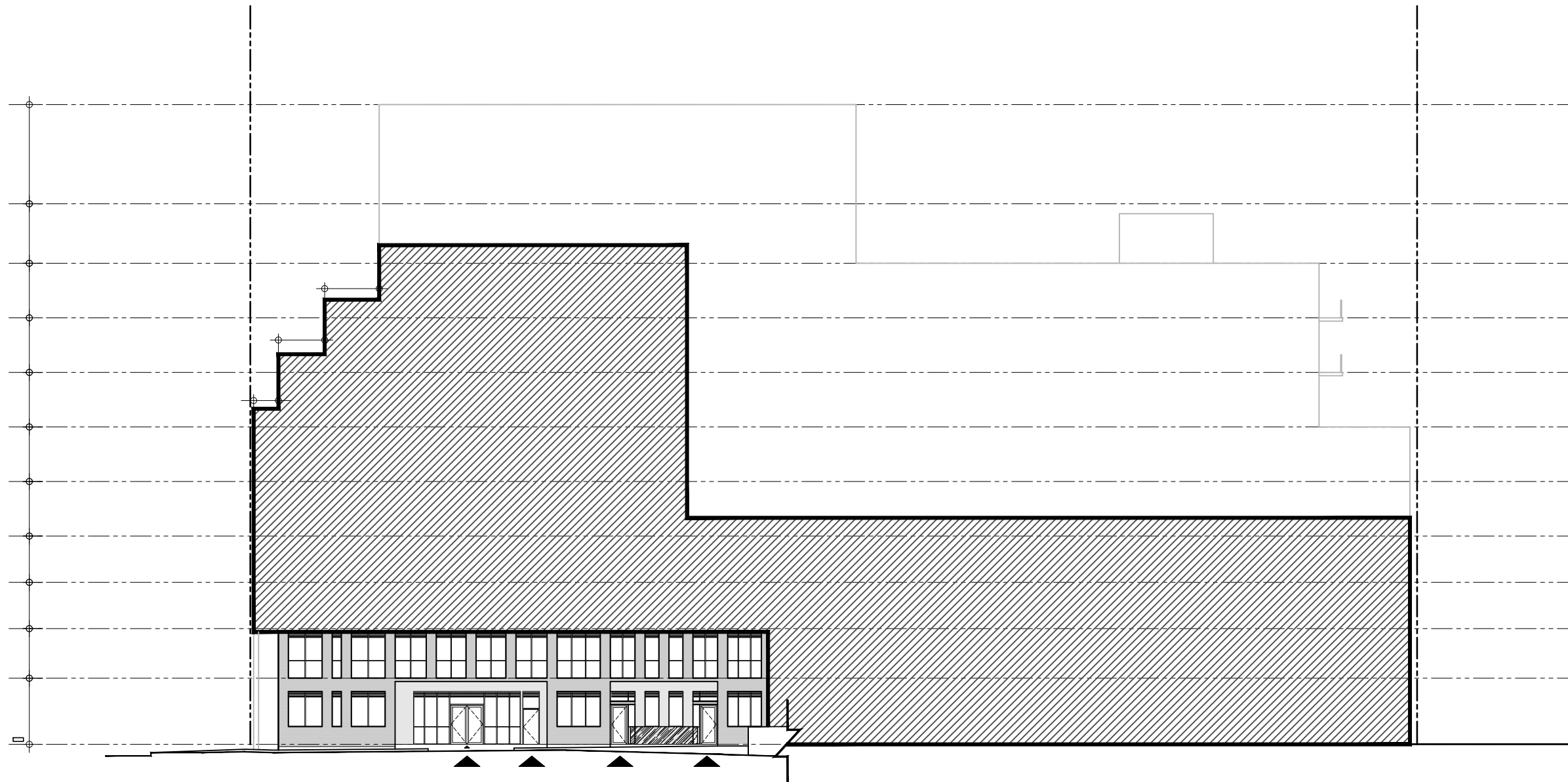
EAST

• ALTREE DEVELOPMENTS • MARLEE + HILLMOUNT • 1692.19 • Feb. 28, 2023



NORTH

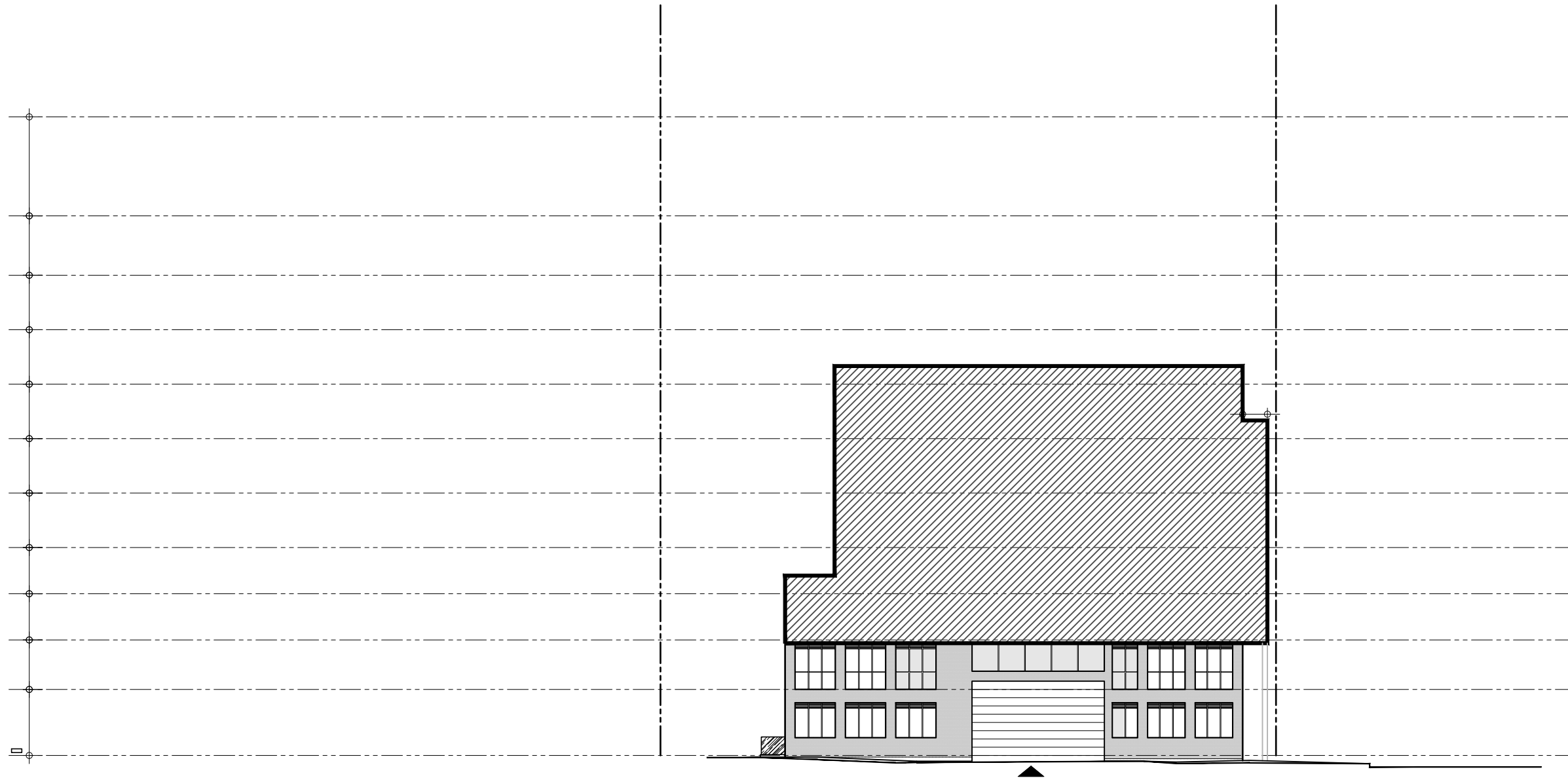
• ALTREE DEVELOPMENTS • MARLEE + HILLMOUNT • 1692.19 • Feb. 28, 2023



WEST INTERIOR

• ALTREE DEVELOPMENTS • MARLEE + HILLMOUNT • 1692.19 • Feb. 28, 2023





EAST INTERIOR

• ALTREE DEVELOPMENTS • MARLEE + HILLMOUNT • 1692.19 • Feb. 28, 2023





SECTION A-A

