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Our File No.: 221959

WITHOUT PREJUDICE

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

Attention: Ray Kallio/Yasmeen Peer

Dear Sirs/Mesdames:

**Re: Case No. OLT-22-004067 – Settlement Offer
500 Sheppard Avenue East, City of Toronto**

We are solicitors for Bayview Sheppard Developments Limited in respect of the properties known municipally as 500 Sheppard Avenue East (the “**Lands**”). We are writing on behalf of our client to provide a without prejudice settlement offer in respect of the above-noted matter, which should be considered as open until the conclusion of the City Council meeting scheduled to commence on July 19, 2023, unless otherwise indicated.

As you know, our client engaged in without prejudice discussions with City staff over the last several months regarding the redevelopment proposal for the Lands. These discussions resulted in a revised set of plans, prepared by Arcadis and attached to this without prejudice settlement offer, which are attached to this letter as Schedule “A” (the “**Revised Plans**”). Our client greatly appreciates the efforts of City staff in achieving this proposed settlement.

The terms of this without prejudice settlement offer are as follows:

1. The settlement offer is based on the Revised Plans, which would be implemented through the resulting zoning by-law amendment(s). Key aspects of the Revised Plans include:
 - a. a reduction in the height of the towers to 41-storeys and 37-storeys, with a 4-storey podium along Bayview Avenue and Sheppard Avenue East with a step up to a 9-storey podium for Tower 1 (west tower);
 - b. increased setbacks, stepbacks and tower setbacks as shown on the Revised Plans;

- c. zones for projecting balconies (to a maximum of 1.5 metres) as shown on the Revised Plans;
 - d. outdoor amenity space at a minimum ratio of 2.0 square metres per unit and indoor amenity space at a minimum ratio of 1.7 square metres per unit, with the design of the amenity space to include pet-friendly space (such as a dog run and/or dog washing station) and child-friendly space;
 - e. a minimum amount of non-residential gross floor area of 3,396 square metres;
 - f. a parkland dedication of 573.0 square metres as an expansion of the existing Bayview Parkette.
2. The implementing zoning by-law(s) would permit a daycare facility on the Lands. The Owner would continue to explore the feasibility of providing a daycare facility as part of the development. If implemented, the daycare facility would be included as part of the above-noted minimum amount of non-residential gross floor area.
 3. The owner would continue to work with City staff, in consultation with the local Ward Councillor, to Continue to explore the feasibility of a direct connection to the existing TTC station as an in-kind community benefit and, if such in-kind contribution is feasible, to report back to City Council for further instruction on securing the in-kind community benefit.

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:

- confirmation that the final form and content of the draft official plan and zoning by-law amendment are to the satisfaction of the City Solicitor and Chief Planner and Executive Director, City Planning;
- the owner has submitted updated reports confirming adequate water, sanitary and stormwater capacity, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or the Chief Engineer and Executive Director, Engineering and Construction Services has determined that no holding provisions are required in the zoning by-law amendment(s), as amended;
- in the event the updated servicing reports require upgrades to the servicing or functional items above, the owner shall enter into agreement(s) for the construction of any such improvements to such services, as required, at no cost to the City and to the satisfaction of the Chief Engineer and Executive Director of Engineering & Construction Services;

- the owner has submitted a revised Travel Demand Management Plan acceptable to, and to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services and that such matters arising from such study be secured if required;
- the owner has resolved transportation-related matters including an updated Traffic Impact Study report to reassess the proposed driveway access points to the satisfaction of the Manager, Transportation Development Planning and Review;
- the owner has addressed all outstanding issues raised in Urban Forestry, Tree Protection and Plan Review memo as they relate to the Zoning By-law Amendment application, to the satisfaction of the Supervisor, Tree Protection and Plan Review, and,
- the owner submits a complete Wind Impact Study that provides the necessary details to evaluate the proposed wind conditions at the pedestrian level, acceptable to, and to the satisfaction of the Chief Planner and Executive Director, City Planning.

As noted above, this without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on July 19, 2023, unless otherwise indicated, at which point it should be considered as withdrawn if not accepted by City Council.

Yours truly,

Goodmans LLP



David Bronskill

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