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April 7, 2025

Our File No.: 240754

WITHOUT PREJUDICE

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

Attention: Jyoti Zuidema/Michelle LaFortune

Dear Sirs/Mesdames:

**Re: Case No. OLT-24-000678– Settlement Offer
4151-4155 Sheppard Avenue East & 5 Lamont Avenue, City of Toronto**

We are solicitors for Sheppard Lamont Limited Partnership in respect of the properties known municipally as in the City of Toronto as 4151-4155 Sheppard Avenue East & 5 Lamont Avenue (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 April 23, 2025, 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, dated April 7, 2025, and prepared by Sweeny & Co Architects Inc., which are attached to this without prejudice settlement offer as Schedule “A” (the “**Revised Plans**”) as well as the accompanying shadow studies prepared by Sweeny & Co Architects Inc, which are attached to this without prejudice settlement offer as Schedule “B” (the “**Shadow Study**”). 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. the tower height has been reduced from 46 to 39-storeys (having a maximum overall height of 120.6 metres, and a maximum 7 metre mechanical penthouse);

- b. the tower floor plate has been reduced from 900.13 square metres to 795 square metres;
 - c. the proposed tower setbacks have been revised to achieve a minimum of 20.0 metres from the south property line and a minimum of 29.0 metres from the east property line;
 - d. the proposed minimum tower stepback from the main wall of the base building on Sheppard Ave. East is a minimum of 7.5 metres.
 - e. the proposed base building has been revised to achieve to east/west elements with a maximum height of 8-storeys (27.35 m), with revised setbacks and stepbacks, including a minimum setback along Sheppard Avenue East of 5.0 metres, a stepback along Sheppard Avenue East above the 7th storey of 3.0 metres, a stepback along Lamont Avenue above the 7th storey and 5th storey of 3.0 metres, and a stepback along the south above the 5th storey of 3.0 metres;
 - f. a minimum of 520 square metres of at-grade non-residential gross floor area shall be required;
 - g. as a result of the changes to the height and massing, the total Gross Floor Area has been decreased from 44,467 square metres to 38,023.7 square metres;
 - h. the unit mix in the proposed building will include a minimum 15% two-bedroom units and a minimum 10% three-bedroom units;
 - i. amenity space would be provided at a minimum rate of 4.0 square metres per unit, of which a minimum of 1.5 square metres per unit shall be provided as outdoor amenity space; and
 - j. as demonstrated in the Shadow Study, there is no shadow impact. The incremental shadows arising from the proposed building moves quickly through the landscape and does not stay on any one spot for any undue length of time. During the spring and fall equinoxes the shadows are mostly off the *Neighbourhood* designated area on the north side of Sheppard Avenue East by 12:18 pm, save for a small amount of shadow on the Knox Church Cemetery at 3:18 pm to the northeast. Further, the proposed built form does not cast shadows to the *Neighbourhood* designated areas to the south.
2. Our client is prepared to have discussions with City staff, in consultation with the local councillor, to explore the potential for delivery of affordable units, community space, and/or a public art within the development as an in-kind community benefit pursuant to section 37(6) of the *Planning Act*.

3. 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:
 - a. the final form and content of the Official Plan Amendment and Zoning By-Law Amendment are to the satisfaction of the City Solicitor and the Executive Director, Development Review;
 - b. the Owner has submitted revised Landscape and Planting Plans, including a soil volume plan to meet TGS version 4 requirements, to the satisfaction of the Executive Director, Environment and Climate and the Executive Director, Development Review;
 - c. the Owner has submitted a revised Pedestrian Level Wind Study, including a revised wind tunnel study with the identification of any required mitigation measures to be secured in the Zoning By-law amendment and through the Site Plan Control process, to the satisfaction of the Executive Director, Development Review;
 - d. the Owner has addressed all outstanding issues raised by Engineering and Construction Services and Transportation Services as they relate to the Official Plan Amendment and Zoning By-law Amendment application as set out in their memorandum dated January 3, 2024, or as may be updated in response to further submission(s) filed by the Applicant, to the satisfaction of the Executive Director, Development Review and Executive Director, Engineering and Construction Services;
 - e. the Owner has submitted a Functional Servicing Report and Stormwater Management Report, and Hydrogeological Review, including the Foundation Drainage Report or addendums ("**Engineering Reports**") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water; and,
 - f. the Owner has secured the design and provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the Engineering Reports, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development, according to the accepted Engineering Reports.

As noted above, this without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on April 23, 2025, unless otherwise indicated, at which point it should be considered as withdrawn if not accepted by City Council.

Yours truly,

Goodmans LLP



David Bronskill
DJB/

1381-3227-2147