PUBLIC APPENDIX "A"



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March 16, 2023

Matter No. 152090

Laura Bisset and Derin Abimbola Planning and Administrative Tribunal Law City of Toronto Legal Services Division 55 John Street 26th Floor, Metro Hall Toronto ON M5V 3C6

Dear Ms. Bisset and Ms. Abimbola:

Re: With Prejudice Offer to Settle Ontario Land Tribunal Case No. OLT-22-002507 1405 – 1409A Bloor Street West and 229- 231A Sterling Road

BY EMAIL: Laura.Bisset@toronto.ca; Derin.Abimbola@toronto.ca

As you are aware, Aird & Berlis LLP acts for Lamb Sterling Corp., the owner of the lands municipally known as 1405, 1407, 1409 and 1409A Bloor Street West and 229, 231 and 231A Sterling Road (the "Lamb Property").

The Lamb Property is uniquely configured and irregularly shaped, with frontages on Bloor Street West, Ruttan Street and Sterling Road. The Lamb Property is located between Lansdowne Avenue and Dundas Street West and currently occupied by 1- and 2-storey buildings with a variety of retail and auto-related service uses, as well as surface parking.

Background

In September 2020, our client filed applications for an Official Plan Amendment and a Zoning Bylaw Amendment to facilitate a mixed-use development on the Lamb Property (collectively, the "**Applications**"). A community consultation meeting was held in respect of the Applications on April 6, 2021. On April 8, 2021, our client then appealed the City's failure to make a decision on the Applications (collectively, the "**Appeals**").

Despite having appealed the Applications, our client has continued to work cooperatively with City Staff in order to arrive at a resolution. Our client has regularly met with various departments at the City, has produced multiple iterations of the proposal for review and consideration by City staff, and adjourned a scheduled hearing before the Ontario Land Tribunal (the **'Tribunal'**) by almost a year as part of a concerted effort to settle the outstanding matters with the City and adjacent landowners.

Settlement Proposal

We are writing to provide a **with prejudice** full and final settlement offer to resolve the Appeals (the "**Settlement Proposal**") which our client is prepared to lead evidence in support of at its

hearing before the Tribunal which is scheduled to commence on July 4th, 2023 and for which witness statements are due at the beginning of May, 2023.

In summary, the Settlement Proposal:

1. offers additional built form modifications in response to extensive discussions with City staff which are outlined in detail below;

2. secures interim improvements to, and a widening of, the existing Ruttan Street while providing for the future extension of Ruttan Street to Sterling Road, in (the **'Ruttan Street Extension**') accordance with the City's Bloor Street Study – St Helen's Avenue to Perth Avenue;

3. secures the provision of parkland dedication through a combination of on and off-site dedication to be coordinated with the adjacent land owner at 221-227 Sterling Road to the satisfaction of the City (**"221 Sterling Site**"); in the alternative, if a combined on and off-site parkland dedication is not feasible, our client will work with City Staff on to secure its onsite parkland dedication on terms satisfactory to our client and the City; and

4. provides, through the draft Revised OPA enclosed with this Settlement Proposal, for the inclusion of both the existing Ruttan Street and proposed Ruttan Street Extension into the Official Plan, which in turn provides the City with the necessary authority to secure the above transportation infrastructure improvements.

The interim improvements to Ruttan Street which are secured through this Settlement Proposal and the ultimate Ruttan Street Extension illustrated in the enclosed plans and diagrams also respond to the development application filed in respect of the 221 Sterling Site, which application is subject of an appeal to the Tribunal that is scheduled to be heard in October 2023 and, specifically, to the most recent iteration of that development proposal on file with the City of Toronto which illustrates the same ultimate alignment for Ruttan Street as well as a consolidated community park.

Summary of the Applications – As Revised by the Settlement Proposal

The purpose of the Applications as modified by this Settlement Proposal are illustrated in the plans enclosed, prepared by architects Alliance and dated January 4 2023. The proposal will permit the redevelopment of the Lamb Property with a 19-storey mixed use building with a total gross floor area of 21,298 square metres comprised of 20,948 square metres of residential gross floor area and 350 square metres of retail gross floor area.

With a total of approximately 326 dwelling units, the proposed development will provide a range of unit types and add to the much needed housing supply in this growing area of the City which benefits from both existing and planned higher order transit.

In response to comments from City staff, our client has recently developed a reconfigured ground floor plan to provide for full commercial/retail uses across the entire Bloor Street frontage, wrapping the corner of the building onto Ruttan Street. The residential lobby would be moved further south along the existing Ruttan Street in this reconfigured plan to provide for greater residential presence and pedestrian animation. Our client is prepared to continue to explore this and other potential design improvements with the City in the context of this settlement.

The Settlement Proposal includes the following modifications from the Applications:

Built Form

- Base building reduced to 3-storeys plus mezzanine along Bloor Street and Ruttan Street; this height is maintained on the southern component of the building where the mezzanine becomes a residential floor;
- Ground floor setback of 1.5 metres along the east lot line, adjacent to the Ruttan Street extension;
- Minimum stepbacks of 1.5 metres from the north and east, above the 4-storey base building;
- Slender modular "blocks" oriented north-south (parallel to Ruttan St.), set back a minimum of 5.5 metres from the west lot line, providing for increased separation distance from the existing 3-storey house-form buildings at 1411 Bloor Street West;
- From Levels 4 -14, the west elevation will now be setback a minimum of 5.5 metres from the lot line; above Level 14, an additional 2.0 metre stepback will be provided, resulting in a 7.5 metre separation distance between Levels 15-19 of the proposed building and the shared lot line with the 1411 Bloor Street property;
- No projected balconies are proposed as per the submitted drawings;
- Interior amenity space is located on the mezzanine, the 2nd, 3rd and 4th floors with adjacent outdoor amenity space on the roof above the 3th floor.
- The 9-storey mid-rise transition element, formerly proposed at 12 storeys, will have a north-south depth of 13.0 metres, an east-west width of approximately 14.7 metres, and will be set back a minimum of 7.5 metres from the from the shared property line with the semi-detached houses fronting Sterling Road to the west;
- A tower floorplate of 682 square metres;
- Overall height of 19 storeys (representing a modest increase in total height from 67.5 metres to 69.8 metres);
- Commercial gross floor area increased from 237 square metres to 350 square metres; and
- Overall gross floor area increased to 21,298 square metres.

In our submission, the built form revisions reflected in the updated architectural plans provide a pedestrian-scaled base building and improved pedestrian realm while allowing for an appropriate level of intensification given the location of our client's lands in close proximity to existing and planned higher order transit. The modulation of the taller elements of the built form, through stepping down of heights and improved setbacks, respects the existing character of the low-rise neighbourhood while allowing for the possibility of future development to the west along Bloor Street.

We have also enclosed a draft Zoning By-law Amendment which reflects the proposal as set out in the January 4, 2023 plans. We acknowledge that the final form of the instrument(s) will require input from City staff and look forward to working with the City in this regard.

Official Plan Amendment – Revised

At the request of the City, and with the input from City Staff, our client has prepared the enclosed and updated OPA which provides for the following:

1. an extension of the existing Mixed Use Areas designation south on the Lamb Property, consistent with the OPA as originally filed and in alignment with the Mixed Use Areas designation to the east;

2. inclusion of the existing Ruttan Street right of way to facilitate the dedication of the Ruttan Street widening and interim improvements, as described below and illustrated in the attached Diagram 2 (from the Addendum Traffic Impact Assessment dated January 5, 2023 and prepared by LEA Consulting Ltd); and

3.inclusion of the future Ruttan Street Extension, as described below and illustrated in the attached Diagram 3 (from the Addendum Traffic Impact Assessment dated January 5, 2023 and prepared by LEA Consulting Ltd) to facilitate the dedication of lands, from both our client and other area landowners.

Community Infrastructure:

Parkland Dedication

The original September 2020 Lamb Applications provided for the delivery of 400.26 square metres on-site parkland dedication to the City which satisfied our clients parkland dedication requirements pursuant to Section 42 of the *Planning Act*.

In response, the City requested that a portion of the on-site parkland instead be used for the Ruttan Street Extension. Accordingly, the revised proposal circulated to the City on January 4, 2023 demonstrated the following:

- an on-site parkland dedication of approximately 85.35 square metres (the "**Onsite Parkland Dedication**") to be located on the south side of the proposed Ruttan Dedication; and
- an off-site parkland dedication of approximately 276.3 square metres (the "Offsite Parkland Dedication") on the 221 Sterling Site.

Together, the Onsite Parkland Dedication and the Offsite Parkland Dedication (collectively, the '**Parkland Dedication**') will satisfy our client's parkland dedication requirements pursuant to Section 42 of the Planning Act.

Our client commits to satisfying its parkland dedication requirements pursuant to Section 42 of the Planning Act, either through an on-site parkland as originally proposed or via the Parkland Dedication outlined above, in consultation with the City of Toronto. The Parkland Dedication shall be secured in a manner and on terms satisfactory to the City, which will also be subject to any necessary provisions to permit construction staging and construction-related matters so as to minimize impacts on the immediate community, to the City's satisfaction.

Right-of-Way Widening Conveyance/Dedication – Ruttan Street

- An approximate 1.5 metre Right-of-Way widening to be dedicated to the City on the east side of the Lamb Property along the existing Ruttan Street frontage for approximately 73.5 metres of its length south of Bloor Street West;
- Sidewalk widths of approximately 2.0 metres on the west side of Ruttan Street in widened boulevard to improve the existing condition of Ruttan Street, as demonstrated the attached Diagram 2 (from the Addendum Traffic Impact Assessment dated January 5, 2023 and prepared by LEA Consulting Ltd.);
- To facilitate the future Ruttan Street Extension as a public right-of-way connection to Sterling Road, our client has demonstrated, through the attached road design, Diagram 3 (from the Addendum Traffic Impact Assessment dated January 5, 2023 and prepared by LEA Consulting Ltd.), how approximately 299.15 square metres at the south end of the Lamb Property could be utilized at the discretion of the City to achieve the full Ruttan Street Extension to Sterling Road;
- The Ruttan Street Extension shall be secured in a manner satisfactory to the City in favour of the City, to ensure the coordinated delivery of the new infrastructure in accordance with City conditions.

It is our understanding that both the interim Ruttan Street widening and improvements and the future Ruttan Street Extension as illustrated in the enclosed Diagram 2 and Diagram 3 have been determined to be acceptable by the City's Transportation Planning staff.

Our client commits to working with the City on the manner of securing both the Parkland Dedication and Ruttan Street Extension and widening, including but not limited to the timing of those conveyances.

Please note that precise areas of the above proposed dedications to the City (including the widening along Ruttan Street, the Ruttan Street Extension and Parkland Dedication) are to be confirmed with a reference plan to be prepared or approved by our client and shared with the City for its review.

Implementation

Based on our client's discussions with City Staff, we understand that the Settlement Proposal will form the basis of a report to Council at the meeting commencing on **March 29th, 2023**.

This settlement offer is conditional upon that timing being achieved and confirmation that the City will attend in support of the Settlement Proposal at the OLT hearing commencing on July 4, 2023.

We appreciate the confirmation from the City that staff will make best efforts to finalize the instruments prior to the hearing currently scheduled for July 4, 2023.

We respectfully request that the City confirm each of the above matters.

In the event that City Council does not accept this Settlement Proposal and the implementation matters noted above, the enclosed draft OPA is hereby withdrawn and will be replaced with the OPA filed with the original September 2020 Applications. This proposal which proceeds to the OLT hearing commencing on July 4, 2023 will be based on the January 4, 2023 plans enclosed herewith but will be amended to include an on-site parkland dedication to satisfy the requirements of s.42 of the *Planning Act*.



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Should you have any further questions, or require clarification with respect to the above or attached materials, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP

Eileen P.K. Costello EPKC/NM Attach. cc Client

52410985.8

Without Prejudice

Authority: Ontario Land Tribunal Decision issued on ~, 20~ and Order issued on ~, 20~ in OLT-22-002507

CITY OF TORONTO

BY-LAW No. XXX-2023

To adopt an amendment to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2022 as 1405-1409A Bloor Street West and 229-231A Sterling Road

Whereas authority is given to the Ontario Land Tribunal under the Planning Act, R.S.O. 1990, c. P.13, as amended, to approve this By-law; and

The Official Plan of the City of Toronto, as amended, is further by the Ontario Land Tribunal, as follows:

1. The attached Amendment XXX to the Official Plan is hereby adopted pursuant to the Planning Act, as amended.

Ontario Land Tribunal Decision issued on ~, 20~ and Order issued on ~, 20~ in OLT-22-002507

AMENDMENT NO. XXX TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2019 AS 1405-1409A BLOOR STREET WEST AND 229-231A STERLING ROAD

The Official Plan of the City of Toronto is amended as follows:

- 1. Map 17, Land Use Plan, is amended by re-designating a portion of the lands known municipally as 1405-1409A Bloor Street West and 229-231A Sterling Road from *Neighbourhoods* to *Mixed Use Areas*, in accordance with Schedule A.
 - 2. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. XXX, and the attached Schedule B, as follows:

To facilitate the widening and extension of Ruttan Street, the following lands will be required to be dedicated from property owners upon the redevelopment of lands as follows:

- South of Bloor Street West to the southern extent of Merchant Lane, as generally shown on Schedule B attached hereto, Ruttan Street will be widened to a minimum width of 16.5 metres for its first 55.7 metres, with such widening required from the lands on the west side of Ruttan Street, municipally known as 1405-1409A Bloor Street West and 229-231A Sterling Road; and
- ii) South of Merchant Lane extending southwest to Sterling Avenue, as generally shown on Schedule B attached hereto, a new Ruttan Street extension will be created having a minimum right-of-way width of 16.5 metres, with lands required for the road to be dedicated to the City by lands municipally known as 1405-1409A Bloor Street West and 229-231A Sterling Road and 221 Sterling Road.
- 3. Schedule 2, The Designation of Planned But Unbuilt Roads, is amended by adding the following:

| STREET NAME | FROM | ТО |
|---------------|---------------|---------------|
| Ruttan Street | Merchant Lane | Sterling Road |





Schedule B

City of Toronto By-law xxx-20~

Authority: Ontario Land Tribunal Order and Decision issued on ~, 20~, in Tribunal Case No. PL210238 and OLT-22-002507

CITY OF TORONTO

BY-LAW NO. XXXX – 2023 (OLT)

To amend Zoning By-law No. 569-2013 with respect to the lands known municipally known in the year 2022 as 1405-1409A Bloor Street and 229-231A Sterling Road

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

The Council of the City of Toronto enacts:

- 1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
- 2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
- 3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands municipally known as 1405-1409A Bloor Street and 229-231A Sterling Road to a zone label of CR 3.0 (c1.0; r2.5) SS2 (xXXXX) as shown on Diagram 2 attached to this By-law;
- 4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number (XXXX) so that it reads:

Exception CR XXXX

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

(A) On 1405-1409A Bloor Street and 229-231A Sterling Road (as shown as Part 1 on Diagram 1 of By-law [Clerks to supply by-law ##]), if the requirements of By-law [Clerks to supply by-law ##] are complied with, a **building**, or

structure, may be constructed, used or enlarged in compliance with (B) to (S) below:

- (B) For purposes of this exception, the lot shall refer to those lands delineated by a heavy black line and identified as Part 1 and Part 2 on Diagram 1 of By-law [Clerk to supply by-law #];
- (C) Despite Regulation 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 113.36 metres and the elevation of the highest point of the **building** or **structure**;
- (D) Despite Regulation 40.10.40.10(2), the permitted maximum height of a building or structure is the number in metres following the letters "HT" on Diagram 3 of By-law [Clerks to supply by-law ##];
- (E) Despite (D) above and Regulations 40.5.40.10(3), (4), (5), (6) (7) & (8), the following elements of **buildings** or **structures** may exceed the maximum **building** heights shown on Diagram 3 of By-law [Clerks to supply by-law ##]:
 - (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 7.0 metres;
 - (ii) structures that enclose, screen or cover the equipment, structures and parts of a building listed in (i) above, inclusive of a mechanical penthouse, by a maximum of 6.5 metres;
 - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 1.5 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 3.0 metres;
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 2.5 metres; and
 - (vi) pool, pool equipment, or related structures, trellises, pergolas, and unenclosed structures providing safety or wind protection to rooftop amenity space, by a maximum of 3.5 metres;
- (F) Despite Regulation 40.10.40.40(1), the permitted maximum gross floor area of all buildings and structures on the lot is 21,750 square metres, of which:

- (i) the permitted maximum **gross floor area** for residential uses is 21,200 square metres; and
- (ii) the permitted maximum non-residential **gross floor area** for non-residential uses is 550 square metres;
- (G) Despite Regulations 40.10.40.70(2), the required minimum building setbacks are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law ##];
- (H) Despite Clause 40.10.40.60 and (G) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
 - (i) decks, porches, and balconies, by a maximum of 2.0 metres;
 - (ii) canopies and awnings, by a maximum of 2.0 metres;
 - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 2.0 metres;
 - (iv) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 0.7 metres;
 - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 0.7 metres;
 - (vi) window projections, including bay windows and box windows, by a maximum of 1.0 metres;
 - (vii) eaves, by a maximum of 1.0 metres;
 - (viii) a dormer, by a maximum of 1.0 metres; and
 - (ix) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.0 metres;
- (I) Despite Regulations 40.10.20.10(1) and 40.10.20.20(1), on the lands identified as Part 2 on Diagram 1 of By-law [Clerk to supply by-law #], only dwelling units in a permitted building type in Clause 40.10.20.40, along with residential ancillary uses and amenity space, are permitted;

- (J) Despite Regulation 40.10.40.1(1), residential lobby access and dwelling units may be located on the same storey as non-residential use portions of the building;
- (K) Regulation 40.10.40.10(5) with respect to the required minimum height of the first storey does not apply to dwelling units in a permitted building type on the lands identified as Part 2 on Diagram 1 of By-law [Clerk to supply by-law #];
- (L) Regulation 40.10.50.10(1) and (3), with respect to landscaping requirements if abutting a lot in the Residential Zone Category, does not apply;
- (M) Despite Regulation 200.5.10.1(1) and (2) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
 - (i) a minimum of 110 residential occupant **parking spaces**;
 - (ii) no residential visitor **parking spaces** are required; and
 - (iii) No parking spaces for non-residential uses are required;
- (N) Despite Regulation 200.5.1.10(2)(A)(iv), a maximum of 10 percent of (parking spaces may be obstructed on one or both sides in accordance with Regulation 200.5.1.10(2)(D), without the requirement to increase the minimum width by 0.3 metres;
- (O) Despite Regulation 200.5.1.10(12)(B), the **vehicle** entrance or exit for a one-way **driveway** into or out of the building may have a minimum width of less than 3.5 metes;
- (P) Despite Regulations 40.10.100.10(1)(C) and 200.5.1.10(13), access to **parking spaces** may be provided by two **vehicle** elevators;
- (Q) Despite Regulation 200.15.10.10(1), a minimum of 2 accessible **parking** spaces must be provided;
- (R) Despite Regulations 230.5.1.10(4) and 230.5.1.10(10) both "long-term" and "short-term" bicycle parking spaces may be located in a stacked bicycle parking space, having the following minimum dimensions:
 - (i) length of 1.8 metres;
 - (ii) width of 0.45 metres; and

- (iii) vertical clearance of 1.2 metres for each stacker, and 2.4 metres total;
- (S) Despite Regulations 230.5.1.10(9), a "long-term" **bicycle parking space** bay be located on any level of the building below-ground;
- (T) Despite Regulation 230.40.1.20(2), a "short-term" **bicycle parking space** may be located indoors in an enclosed or secured room;
- (U) A minimum of 10 percent of the total number of **dwelling units** must contain three or more bedrooms;

Prevailing By-laws and Provisions: (None apply)

5. Despite any future severance, partition or division of the lot as shown on Diagram 1, the provisions of this By-law will apply as if no severance, partition or division occurred;

Ontario Land Tribunal Decision and Order issued on ~, 20~, in Tribunal Case No. PL210238 and OLT-22-002507





Diagram 1

File #20____





File #20







1405-1409A Bloor Street West and 229-231A Sterling Road

Diagram 3

File #_





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