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File No. 23033

May 30, 2023

CONFIDENTIAL  
WITHOUT PREJUDICE

VIA EMAIL: [mark.piel@toronto.ca](mailto:mark.piel@toronto.ca)

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

Dear Sirs:

Re: 320 McCowan Road, City of Toronto  
Planning Application Nos.: 20 118393 ESC 20 OZ and 21 198274 ESC 20 SA  
Appeals to OLT of Zoning By-law Amendment and Site Plan Control Approval  
Applications  
OLT Lead Case No. OLT-22-003301

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As you know, we are the solicitors for Blauson Assets Management Ltd. (the "Applicant"), the owner of the lands known municipally as 320 McCowan Road in the City of Toronto (the "Site"), and the appellant with respect to the above-noted appeals.

Further to our settlement discussions with respect to the above-noted appeals, we are pleased to provide the following settlement offer on a without prejudice basis in full settlement of these appeals:

- (1) Our client would agree to formally revise its development proposal that is the subject of the above noted appeals before the OLT as shown on the attached plans prepared by BDP Quadrangle dated May 24, 2023 (the "Proposed Development") subject to satisfying conditions related to the issuance of final Orders. The main revisions from the proposal that is currently before the Tribunal relate to the following:

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- a. In both towers, full height wing walls along the western edge of all south facing balconies have been provided to prevent west facing views towards nearby Employment Areas (see Drawings A101.S A208.S A403.S) as per the settlement reach with D. Crupi & Sons Ltd.
- b. In addressing TGS requirements, the Proposed Development will now provide approximately 1,662.8 cubic metres of soil volume, meeting the applicable TGS Version 3 requirement. Each tree planting area will provide a minimum soil volume of 30 m<sup>3</sup>, in accordance with the applicable TGS Version 3 requirement. The drawing package will be updated to meet City requirements prior to the settlement hearing. A total of 435 new bicycle parking spaces will be provided for the proposed building, including 393 long-term spaces and 42 short-term spaces, which exceeds the applicable 569-2013 By-law requirement of 363 by 72 spaces. A further 30 bicycle parking spaces will be maintained for the existing building. Further, additional TDM Measures will be secured as a condition of approval.
- c. The Detailed Environmental Noise & Vibration Assessment report has been revised to address all outstanding peer review comments. A supplementary response letter has also been provided. Regarding balconies, the report has been revised to confirm that all residential balconies are less than 4.0 metres in depth and do not meet the definition of an outdoor living area.
- d. A revised crash wall has been provided with a minimum thickness of 0.45 metres.
- e. With respect to servicing, the sanitary and storm connections were shifted to the west side of the Site to match the existing service connection locations (as verified by dye testing).

With respect to the issuance of the final Order for the Zoning By-law Amendment appeal, our client is agreeable to that final Order being withheld subject to the following conditions being satisfied:

- (1) The OLT has been advised by the City Solicitor that the proposed Zoning By-law Amendment's form and content is satisfactory to the City;
- (2) The OLT has been advised by the City Solicitor that a revised Functional Servicing and Stormwater Management Report has been submitted to the satisfaction of the City;
- (3) The OLT has been advised by the City Solicitor that owner of the lands has financially and legally secured any improvements to the municipal infrastructure

in connection with the Functional Servicing and Stormwater Management Report, should it be determined by the report that improvements to such infrastructure are required to support the development, to the satisfaction of the City; and

- (4) The OLT has been advised by the City Solicitor that the owner has delivered an interim parking plan and executed agreements with parking facility operators that secure off-site parking for the duration of construction of the Proposed Development, to the satisfaction of the City.

In terms of the site plan application, our client agrees to work with City staff to resolve the remaining site plan issues in order to finalize a Notice of Approval Conditions following the approval by the OLT of the necessary zoning by-law amendment for the Proposed Development.

Accordingly, our client is agreeable to that final Order on the site plan control application being withheld subject to the OLT having been advised by the City Solicitor that the owner has satisfied all conditions of approval in the Notice of Approval Conditions as determined by and to the satisfaction of the City.

In support of the settlement offer, please find attached the following via a Dropbox link:

1. Architectural Plans, dated May 24, 2023, prepared by BDP Quadrangle;
2. Landscape Plans, dated May 18, 2023, prepared by The MBTW Group;
3. Derailment Protection Report, dated May 18, 2023, prepared by JSW+ Associates;
4. Derailment Protection Plan, dated May 18, 2023, prepared by JSW+ Associates;
5. Detailed Environmental Noise & Vibration Assessment, dated April 18, 2023, prepared by Gradient Wind Engineering Inc.;
6. Environmental Noise & Vibration Peer Review Responses, dated April 18, 2023, prepared by Gradient Wind Engineering Inc.; and
7. Functional Servicing and Stormwater Management Report dated May 19, 2023, prepared by Counterpoint Engineering Inc.

If you have any questions regarding the above, please do not hesitate to contact me at 416.645.4572 or via email at [jpark@ksllp.ca](mailto:jpark@ksllp.ca).

Yours truly,

**KAGAN SHASTRI DeMELO WINER PARK LLP**



Jason Park  
JIP/ss

Please reply to the: Downtown Office

cc: Blauson Assets Management Ltd.