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June 29, 2023

Our File No.: 202574

WITHOUT PREJUDICE

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

Attention: Daniel Elmadany, Solicitor, Legal Services Division

Dear Sirs/Mesdames:

Re: **3291 Kingston Road, 2 Windy Ridge Drive, and 4 Windy Ridge Drive, Toronto, Ontario**
City of Toronto File Nos. 20 209863 ESC 20 OZ;
Appeal of Official Plan Amendment and Zoning By-law Amendment Applications pursuant to subsections 22(7) and 34(11) of the *Planning Act* (the "Appeals")

We are solicitors for 3291 Kingston Road GP Inc. in respect of the properties known municipally in the City of Toronto as 3291 Kingston Road, 2 Windy Ridge Drive, and 4 Windy Ridge Drive (the "**Property**").

We are writing on behalf of our client with a without prejudice settlement offer in respect of the above-noted Appeals, which should be considered as open until the conclusion of the City Council meeting scheduled to commence on July 19, 2023.

As you know, our client engaged in without prejudice discussions with City staff, the Cliffcrest Scarborough Village SW Residents Association (the "**Cliffcrest RA**"), and the local property owners who have been granted party status in the Appeals (the "**Local Residents**") over the last several months regarding the redevelopment proposal for the Property. These discussions have resulted in revised plans, prepared by RAW Design and dated June 26, 2023, which are attached to this letter (the "**Revised Plans**"). We are pleased to advise that the Cliffcrest RA and the Local Residents, through their respective legal counsel, have indicated that their clients support the Revised Plans.

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

1. The settlement offer would continue to request City Council's support for an Official Plan Amendment to permit the re-designation of part of the Property from *Neighbourhoods to Mixed Use Areas* on appropriate Land Use Plans of the Official Plan.

2. The settlement offer is based on the Revised Plans, which would be implemented through the resulting zoning by-law amendment(s).
3. The Revised Plans will implement the following matters:
 - a. A 12 storey mid-rise residential building including the mechanical penthouse with indoor and outdoor amenity spaces and two wings with residential units with stepbacks as shown on the Revised Plans;
 - b. provide for 368 residential units in total, and the final unit mix will be required to comply with the Growing up Guidelines such that at least 10% of the units are 3 bedroom units and at least 15% of the units are 2 bedroom units to be secured in the Zoning By-law Amendment;
 - c. provide 229 parking spaces for cars which are underground, and 272 bicycle parking spaces, with overwhelming majority of the spaces being located on the ground floor of the building and 26 of the spaces being available for short-term bicycle parking;
 - d. appropriately address the angular plane to the *Neighbourhoods* to the south and to the west;
 - e. incorporate an increased setback from Kingston Road;
 - f. provide for the future right-of-way of Kingston Road of approximately 2.47 metres to achieve a total right-of-way width of Kingston Road at 36 metres;
 - g. provide for improved relation (setback) to adjacent land to the east (3311 Kingston Road);
 - h. provide for a minimum of 4.0 square metres per dwelling unit of amenity space, of which a minimum of 2.0 square metres is indoor amenity space per dwelling unit in compliance with City-wide Zoning By-law 569-2013.
 - i. To preserve existing trees, there has been an increase of available soil volume for new tree plantings, and to address comments from the Cliffcrest RA and the Local Residents, the setback to the south of the Windy Ridge wing of the building has been increased to 10 metres.
 - j. The massing of the wings of the building have been substantially reduced by increasing stepbacks and reducing height to address comments from the Cliffcrest RA and the Local Residents.
 - k. At the request of the Cliffcrest RA and the Local Residents, the sidewalk and unit entrances have been removed from the Windy Ridge wing of the building.

1. The provision of eight (8) replacement rental dwelling units consisting of four (4) three-bedroom units, three (3) two-bedroom units, and one (1) one-bedroom unit collectively comprising at least 658 square metres of gross floor area, as generally illustrated in the replacement rental floor plans prepared by RAW Design and dated June 22, 2023, with any revisions to these plans being to the satisfaction of the Chief Planner and Executive Planner, City Planning.
 - i. The eight (8) replacement rental units will be provided and maintained for a period of at least 20 years beginning from the date that each replacement rental unit is first occupied. During this period, no application will be submitted to the City for condominium registration, conversion to a non-residential rental purpose, or demolition without replacement of the rental units. Three (3) of the three-bedroom replacement units, all three (3) two-bedroom units, and the one (1) one-bedroom replacement unit will be provided at affordable rents, defined as gross monthly rent inclusive of utilities that is no greater than one times the average City of Toronto rent by unit type, as reported annually by the Canada Mortgage and Housing Corporation (CMHC), for a period of at least 10 years beginning from the date of first occupancy of each unit. The rent for the one (1) remaining three-bedroom unit will be provided at mid-range rent, defined as gross monthly rent inclusive of utilities that exceeds affordable rent but is no greater than 1.5 times the average City of Toronto rent by unit type, as reported annually by CMHC, for a period of at least 10 years beginning from the date of first occupancy.
 - m. The provision of an acceptable Tenant Relocation and Assistance Plan to all Eligible Tenants of the eight (8) existing rental units proposed to be demolished, addressing the right to return to occupy one of the replacement rental units at similar rents, the provision of alternative accommodation at similar rents in the form of rent gap payments, and other assistance to mitigate hardship. The Tenant Relocation and Assistance Plan will be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning.

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 proposed Official Plan Amendment is in a final content and form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor to implement Paragraph 1 above;
- b) the proposed Zoning By-law Amendment is in a final content and form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;

- c) City Council has approved Rental Housing Demolition application 20 209873 ESC 20 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* to permit the demolition of the eight (8) existing rental dwelling units on the lands and the Owner has entered into, and registered on title to the lands, one or more agreements, including an agreement pursuant to Section 111 of the *City of Toronto Act, 2006*, to secure, among other matters, the following:
- a. the provision of eight (8) replacement rental dwelling units consisting of four (4) three-bedroom units, three (3) two-bedroom units, and one (1) one-bedroom unit collectively comprising at least 658 square metres of gross floor area, as generally illustrated in the replacement rental floor plans prepared by RAW Design and dated June 22, 2023, with any revisions to these plans being to the satisfaction of the Chief Planner and Executive Planner, City Planning;
 - b. the rents of the eight (8) replacement rental units, which shall be based on the rents of the existing rental units by their respective bedroom types at the time of application and secured for a period of at least ten (10) years beginning from the date of first occupancy of each replacement rental unit; and
 - c. the provision of an acceptable Tenant Relocation and Assistance Plan for all Eligible Tenants of the eight (8) existing rental units proposed to be demolished, addressing the right to return to occupy one of the replacement rental units at similar rents, the provision of alternative accommodation at similar rents in the form of rent gap payments, and other assistance to mitigate hardship. The Tenant Relocation and Assistance Plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning.
- d) the owner has, at its sole cost and expense:
- a. submitted a revised Functional Servicing Report, 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;
 - b. secured the design and provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the development, all 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, accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water;

- c. ensured the implementation of the accepted Engineering Reports does not require changes to the proposed amending By-laws or any such required changes have been made to the proposed amending By-laws, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, including the use of a Holding ("H") By-law symbol regarding any new or upgrades to existing municipal servicing infrastructure as may be required;
- d. submitted a revised Transportation Impact Study or addendum, including a Transportation Demand Management Plan, acceptable to, and to the satisfaction of, the General Manager, Transportation Services and the Chief Engineer and Executive Director, Engineering and Construction Services and that such matters arising from such study, be secured if required; and
- e. submitted a revised Arborist Report or addendum, Landscape Plan (with a public utility plan underlay in an updated soil volume plan) and Tree Protection Plan acceptable and satisfactory to the General Manager, Parks, Forestry and Recreation.

Our client has also appealed a Site Plan Control Application to the Ontario Land Tribunal. Provided City Council accepts the Settlement Offer, the parties will request that the site plan appeal be adjourned *sine die* until the parties have resolved all matters relating to site plan approval or require assistance from the Ontario Land Tribunal to adjudicate any issues that remain between the parties in relation to the site plan approval process.

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, at which point it should be considered as withdrawn if not accepted by City Council. If City Council accepts the Settlement Offer, our client consents to the release of this Settlement Offer, including all enclosures.

Our client greatly appreciates the hard work of City staff that has enabled the presentation of this without prejudice settlement offer to City Council.

Yours truly,

Goodmans LLP



Rodney Gill
RJG/
encl.