

PUBLIC APPENDIX "A"

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September 25, 2023

VIA EMAIL

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

Dear Ms. Czajkowski and Ms. Abimbola:

**RE: 289-299 Balliol Street and 305 Balliol Street
Zoning By-law Amendment (City File No. 21 234917 STE 12 OZ)
Site Plan Approval (City File No. 21 234919 STE 12 SA)**

With-Prejudice Settlement Offer

We are the lawyers for Menkes Balliol Inc. (“**Menkes**”), the owner and/or authorized agent for the lands municipally known as 289-299 Balliol Street and 305 Balliol Street (the “**Site**”) and the applicant in respect of the above-noted applications for a Zoning By-law Amendment and Site Plan Approval that are currently before the Ontario Land Tribunal (the “**Applications**”).

This letter constitutes our client’s offer to settle the appeals that have been filed with the Ontario Land Tribunal (the “**Tribunal**”) regarding the Applications.

Site and Surrounding Area

The Site is located at the southwest corner of Mount Pleasant Road and Balliol Street. The Site is a rectangular shaped parcel of land that is approximately 2,900.8 m² (0.7 acres) in size with dual frontage on Mount Pleasant Road and Balliol Street. The frontage is approximately 35.58 m along Mount Pleasant Road and 55.74 m along Balliol Street. The Site is currently occupied by six semi-detached dwellings (at 289 to 299 Balliol Street) and an 8-storey retirement residence (at 305 Balliol Street). As set out in further detail below, the proposed development maintains the existing retirement building in its current location.

The Site is located at the southern boundary of the “Mount Pleasant West Neighbourhood” and the southeastern portion of “Davisville Apartment Neighbourhood Character Area”. This area is well served by existing and planned transit infrastructure including the Davisville TTC Subway Station (900 m to the west) and the Mount Pleasant Crosstown LRT Station (1.1 km to the north). The Site also has immediate access to TTC bus stops along Mount Pleasant Road, Davisville Avenue, and Yonge Street.

The Site is currently zoned “Residential CR – T2.5, C2.0, R2.5” under Zoning By-law 438-86 and “CR 2.5 (c2.0; r2.5) SS2 (x2209)” under Zoning By-law 569-2013. Both zoning classifications permit apartment buildings, a maximum density of 2.5 times the area of the lot and a maximum height of 21.0 m. Amendments to By-law 569-2013 and By-law 438-86 are required to permit site-specific development standards, including, without limitation, the proposed maximum building heights and total residential gross floor area.

Original Proposal

Based on the original submission that was made to the City on November 1, 2021, our client was proposing to redevelop the 289-299 Balliol Street properties with a 28-storey residential building with a 5-storey podium. A revised submission was made to the City on July 18, 2022, which incorporated the existing 8-storey retirement residence at 305 Balliol Street into the proposal. As revised, our client was seeking approval of a 28-storey residential building with a 5-storey podium and a ground level connection to the retirement residence (the “**Original Proposal**”).

The Original Proposal contained a total residential gross floor area (GFA) of 26,224.9 m² and a total floor space index (FSI) of 9.04, both of which are inclusive of the retirement residence being retained. A total of 324 residential units were contemplated by the Original Proposal, which included 63 new senior’s units in the new building at 289-299 Balliol Street.

On March 3, 2023, the Applications were appealed to the Tribunal on the basis of City Council’s refusal or neglect to make a decision within 90 days of the date that the complete Applications were filed with the City (the “**Appeals**”). Since that time, our client and the City have been engaged in settlement discussion to attempt to resolve the Appeals and obviate the need for a contested hearing before the Tribunal.

Settlement Proposal

Our client is offering to settle the Appeals by revising the Original Proposal in accordance with, and to permit the form of development shown on, the architectural plans and drawings prepared by Turner Fleischer Architects Inc. dated August 31, 2023, a copy of which is attached to this correspondence as **Schedule A** (the “**Settlement Proposal**”).

The Settlement Proposal has been designed to permit the redevelopment of the Site in accordance with the following principles:

1. A new 31-storey residential building at 289-299 Balliol Street that will be connected to the existing Revera Retirement Building at 305 Balliol Street. The existing Revera Retirement Building is proposed to remain and maintain its current operations and will be joined to the proposed new building by way of a ground-level connection. Among other benefits, the proposed connection will allow existing tenants to enjoy amenity areas that are included within the new building (such as the bistro and gym that are proposed on the ground floor, as well as indoor and outdoor lounge area on the second floor).

2. The new residential building would have a total residential gross floor area of 22,731.6 m² and an overall unit count of approximately 344 new residential units (including 71 new senior's units). The proposed unit count for the condominium units will consist of at least 10% three-bedroom units and 15% two-bedroom units consistent with the Growing Up Guidelines.
3. The building footprint has been reconfigured to increase the building setbacks and facilitate additional opportunities for landscaped areas along the north and west boundaries of the site. The building setback to the north (along Balliol Street) has increased from 0.0 to 4.0 m, with a setback of 6.0 m to the entrance of the residential building as well as a tower setback of 6.0 m. The building setback to the south (facing the utility building owned by Toronto Hydro) has increased from 0.0 to 3.0 m. The tower setback to the west has increased from 5.5 to 8.0 m. The Settlement Proposal is designed to maintain an average separation distance of 24.9 m from the existing 26-storey apartment building at 265 Balliol Street.
4. The increased setbacks described above have allowed our client to provide enhanced landscaped areas along Balliol Street. The soil volumes provided along Balliol Street shall comply with the objectives contained in the Toronto Green Standards.
5. The height of the mechanical penthouse has been reduced from 8.0 to 5.5 m (except for the popup area that is required for the elevator overrun).
6. The Settlement Proposal eliminates all individual balconies above the 8th floor of the new building that were previously located along the north and south elevations.
7. Parking for the development will be provided in three levels of underground parking, which will include a total of 83 vehicular parking spaces, inclusive of 5 visitor parking spaces, and 273 bicycle parking spaces.

Our client has submitted a revised draft Zoning By-law Amendment to staff for review along with the settlement drawings, which implements the Settlement Proposal as described above. Should the Settlement Proposal be accepted by City Council, our client and the City agree to work expeditiously to resolve the final form of the Zoning By-law Amendment prior to its submission to the Tribunal.

We respectfully submit that the Settlement Proposal is responsive to the remaining issues that were identified by the City through the application review process and represents an appropriate form of development and resolution of the Appeals that are before the Tribunal.

Implementation of Proposed Settlement

The Settlement Proposal is being submitted as a revision to the Original Proposal that was appealed to the Tribunal and is not being submitted on a confidential basis. This offer to settle the Appeals is being submitted for consideration by City Council at its meeting commencing on October 11, 2023, following which it will become null and void if not accepted.

Should the Settlement Proposal be accepted by City Council, we propose that our client and the City will jointly advise the Tribunal that a settlement has been reached and request that the Tribunal hold a 1-day settlement hearing, which may include converting the first Case Management Conference if possible. At the proposed settlement hearing, our client would be responsible for leading evidence in support of the Settlement Proposal.

Yours truly,
Overland LLP



Per: Michael Cara
Associate

Encl.