

PUBLIC ATTACHMENT 1

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June 30, 2023

VIA EMAIL

Sarah O'Connor and Jamie Dexter
Solicitors, Planning & Administrative Tribunal Law
City of Toronto, Legal Services Division
Metro Hall, 26th Floor
55 John Street
Toronto, ON M5V 3C6

Dear Ms. O'Connor and Mr. Dexter:

**RE: 11 Catford Road and 20 Broadoaks Drive
Official Plan Amendment (City File No. 21 235816 WET 07 OZ)
Zoning By-law Amendment (City File No. 21 235816 WET 07 OZ)**

**Settlement Offer Update – Official Plan Amendment and Zoning By-law
Amendment Appeals (Ontario Land Tribunal Case No. 22-003827)**

We are the lawyers for NHD Developments Limited (the “**Owner**”), the owner of the properties municipally known as 11 Catford Road and 20 Broadoaks Drive (the “**Site**”).

This letter constitutes our client’s **updated** offer to settle the appeals that are currently before the Ontario Land Tribunal (the “**Tribunal**”) in respect of the Owner’s applications for an Official Plan Amendment and a Zoning By-law Amendment (the “**Applications**”).

The Site and Surrounding Area

The Site is located on the west side of Keele Street, south of Finch Avenue West and north of Sheppard Avenue West. The property encompasses an entire city block, which is bordered by Catford Road to the north, Keele Street to the east, Broadoaks Drive to the south and Derrydown Road to the west. The Site has a frontage of approximately 206.41 m along Catford Road, 177.91 m of frontage on Keele Street, 177.91 m along Broadoaks Drive, and 152.68 m on Derrydown Road. The Site has an area of approximately 31,805 m² (3.18 hectares).

The Site is currently occupied by two 9-storey rental apartment buildings containing a total of 399 units, both of which are proposed to be retained. The existing apartment buildings are located near the northern and southern boundaries of the Site and are currently separated by a large vacant portion of the property that extends from Keele Street to Derrydown Street.

The Site is well served by existing transportation infrastructure, including a total of 11 TTC bus routes and the Finch West Subway Station (500 m from the Site) which provides City-wide, higher-order transit connectivity with GO Transit, York Region Transit, MiWay (Mississauga Transit),

Zum (Brampton Transit), VIA Rail, and Union Pearson Express. The Site is also expected to benefit from planned higher-order transit infrastructure such as the Finch West LRT which is under construction and will run along Finch Avenue West between the Finch West Subway Station and the Humber College North Campus.

Site-Specific Applications and Appeals

On November 5, 2021, the Owner filed the Applications to permit the redevelopment of the Site with two 4-storey residential townhouse blocks (the “**Townhouse Block**”), a 12-storey mixed-use building along Keele Street (“**Building A**”), a residential building that consists of two towers with heights of 18-storeys and 30-storeys connected by a podium (“**Building B**”), 3,600 m² of programmed open space in the centre of the Site, and a 1,600 m² public park along the western frontage of the Site (collectively, the “**Original Proposal**”).

The Applications were appealed to the Ontario Land Tribunal on May 12, 2022, on the basis of City Council’s neglect to make a decision within the statutory timeframes set out under the *Planning Act* (the “**Appeals**”). The Appeals have been the subject of two Case Management Conferences, which were held on September 9, 2022 and March 27, 2023, and are scheduled for a 15-day hearing commencing on October 23, 2023 (the “**OLT Hearing**”).

The Owner and the City have been involved in facilitated mediation to attempt to resolve the Appeals to minimize the issues in dispute, up to and including the potential to resolve the issues without the need for a contested hearing.

Updated 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 prepared by Graziani & Corazza Architects Inc. (dated June 30, 2023), a copy of which are attached to this correspondence as Appendix A (the “**Settlement Proposal**”).

The Settlement Proposal incorporates the following modifications to the Original Proposal:

- **Building A**: The height of this mid-rise building has been reduced from 12 to 11 storeys and the massing has been redeployed so that the building extends further north and south along the Keele Street frontage.

The Owner has also proposed that at least 60% of the ground floor frontage of Building A along Keele Street will contain commercial uses, and that the northernmost and southernmost units on the ground floor shall be commercial. Individually and cumulatively, these changes will provide for a mid-rise built form that generally respects a 45-degree angular plane measured at the height of 80% of the planned Keele Street right of way and will help to animate the public realm along Keele Street in accordance with the current

version of the Keele Finch Secondary Plan. The north façade of Building A has been revised such that there is no overhang/colonnade over the proposed publicly accessible mid-block open space connection to Keele Street.

- **Building B:** The two residential towers have been reconfigured from 18 and 30 storeys to 21 and 25 storeys (from west to east) with tower floorplates that are 800 m² in size. The changes to the height of the proposal ensure that the massing of these buildings fall within a 45-degree angular plane measured from the west side of Derrydown Road, the north side of Catford Road, the east side of Keele Street, and the south side of Broadoaks Drive.

The podium heights on the west and south sides of “Tower B-1” and the north, east and south sides of “Tower B-2” have been limited to 6-storeys in height, including where the podium frames the proposed public park aligned with Derrydown Road. Between the two towers, the podium has a height of 7 storeys, but is setback by 3.0 metres from the north side in order to appropriately frame the proposed publicly accessible mid-block connection between Derrydown Road and Keele Street.

Together, Building A and Building B provide a mix of studio, one-, two-, and three-bedroom units, as well as the townhouse units that are proposed along Catford Road. The distribution of unit types will be updated to meet the City’s guidelines (Growing Up Guideline No. 2.1(a)) for a minimum of 25% of two- and three-bedroom units (10% three-bedroom units and 15% two-bedroom units). With the existing 9-storey apartment buildings, the Settlement Proposal has a combined gross floor area of approximately 115,318 m² and a floor space index (FSI) of 3.63. In our view, the ability to obtain significant intensification in terms of new residential units, with a density that remains objectively quite low, demonstrates the unique opportunity that this Site provides within the Keele-Finch context. New indoor and outdoor amenity areas at a rate of 2.0 m² per new unit for indoor and 2.0 m² per new unit for outdoor are proposed. As discussed below, some of these new amenities will also be made available to existing tenants.

- **Parkland:** The Settlement Proposal includes a realigned, unencumbered parkland area of 1,600 m² (5% of the site area), which meets the City’s parkland dedication requirements for the Site. The proposed park is aligned along the Derrydown Road frontage as anticipated in the Keele Finch Secondary Plan. It is proposed that there may be an opportunity for the Owner to receive a development charge credit against the Parks and Recreation component of the Development Charges in exchange for the design and construction of the park by the Owner (above base park improvements) to the satisfaction of the General Manager, Parks, Forestry and Recreation. The Settlement Proposal also shows a potential for an additional parkland dedication of 650 m² (2% of the site area), subject to further discussion with the City. The Settlement Proposal also shows a realigned publicly accessible landscaped open space that serves as a mid-block connection through the Site from the park at Derrydown Road to Keele Street, culminating in a large publicly

- accessible landscaped open space north of Building A and east of the existing 11 Catford apartment. The securement and programming of this space is to be discussed with the City through the development process.
- In addition to the removal of the colonnade on Building A noted above, the Owner will work with City Staff through the Site Plan Approval process to design the publicly accessible areas of the Site in a manner that keeps them generally free from barriers, columns, and other obstructions, to ensure they are safe and suitable for their intended use.
 - These large and varied outdoor areas will provide existing and future residents with new public spaces while expanding the existing parks and open space system in the surrounding neighbourhood. In our view, this is a further testament to the unique opportunity presented by the Site, whereby desirable forms of intensification can be achieved together with various forms of public and private amenity at the scale of an entire City block.
 - Improvements for Existing Tenants: As part of the settlement discussions, the Owner has met with City Housing Staff and conducted a Tenant Rental Improvement Survey to determine a list of improvements that can be made to benefit tenants of the existing apartment buildings. Along with the new public open space elements discussed above, the following specific improvements for existing tenants have been identified and are proposed as part of the Settlement Proposal:
 - o enclosing and screening existing garbage/recycling collection areas associated with the existing buildings;
 - o providing bicycle storage for existing tenants within the existing buildings on the basement level;
 - o providing storage lockers for existing tenants within the existing buildings on the basement level;
 - o providing dedicated private outdoor amenity area for existing buildings (may include playground, barbecue areas, seating etc.);
 - o providing access to a component of the indoor amenity area at the ground level within the new development (likely within Building B);
 - o lobby/interior improvements (for example, new furnishings, repainting, more/improved seating, improved lighting, new flooring/carpets); and
 - o Accessibility improvements (for example, ramps, automated doors, and improved lighting).

Additional details regarding these improvements will continue to be discussed with City Staff, the local Councillor, and the tenants of 11 Catford and 20 Broadoaks. These improvements for existing tenants would be secured through the development approval

process using an appropriate mechanism, such as the Site Plan Agreement. The cost of these improvements will not be passed-through to existing tenants.

- Existing Rental Tenure: The Owner proposes to secure the rental tenure of the existing 399 dwellings units within 11 Catford Road and 20 Broadoaks for a period of at least twenty years, with no application permitted during that period for demolition or conversion to ownership tenure. Rents for these units are to be in accordance with provincial legislation during that period.
- Additional and Updated Reports: The Owner acknowledges that the City identified a number of additional matters, generally of a technical nature, to be resolved in the event of an approval in principle of the planning applications currently before the Tribunal, prior to the Tribunal issuing its final Order(s). These are the matters set out in Items 5(a) through 5(j) of the January 4, 2023 Request for Direction Report. The Owner is prepared to accept this approach to require these matters to be satisfactorily addressed prior to the issuance of the Tribunal's final Order(s).

The Owner's planning consultant is preparing a draft form of Official Plan Amendment and draft form of Zoning By-law Amendment that implement, in principle, the Settlement Proposal as described above. These draft instruments will be provided imminently for review along with the settlement drawings. In the normal course, such instruments would be refined through the efforts of the Owner and the City prior to their submission in a final form to the Tribunal, if the Settlement Proposal is accepted.

We respectfully submit that the within Settlement Proposal is responsive to the remaining issues between the Owner and the City 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 proposed development in accordance with the Procedural Order in this matter. Although the City may wish to consider this matter *in camera* in order to provide instructions to the City's counsel, the Owner's proposal is not being submitted on a confidential basis and may be reported on publicly by City Staff.

The Owner will provide the other party and the participants to the Appeals before the Tribunal with a copy of this letter and the accompanying Settlement Proposal.

We understand that this updated offer to settle the Appeals will be considered by City Council at its meeting commencing on July 19, 2023.

Yours truly,
Overland LLP

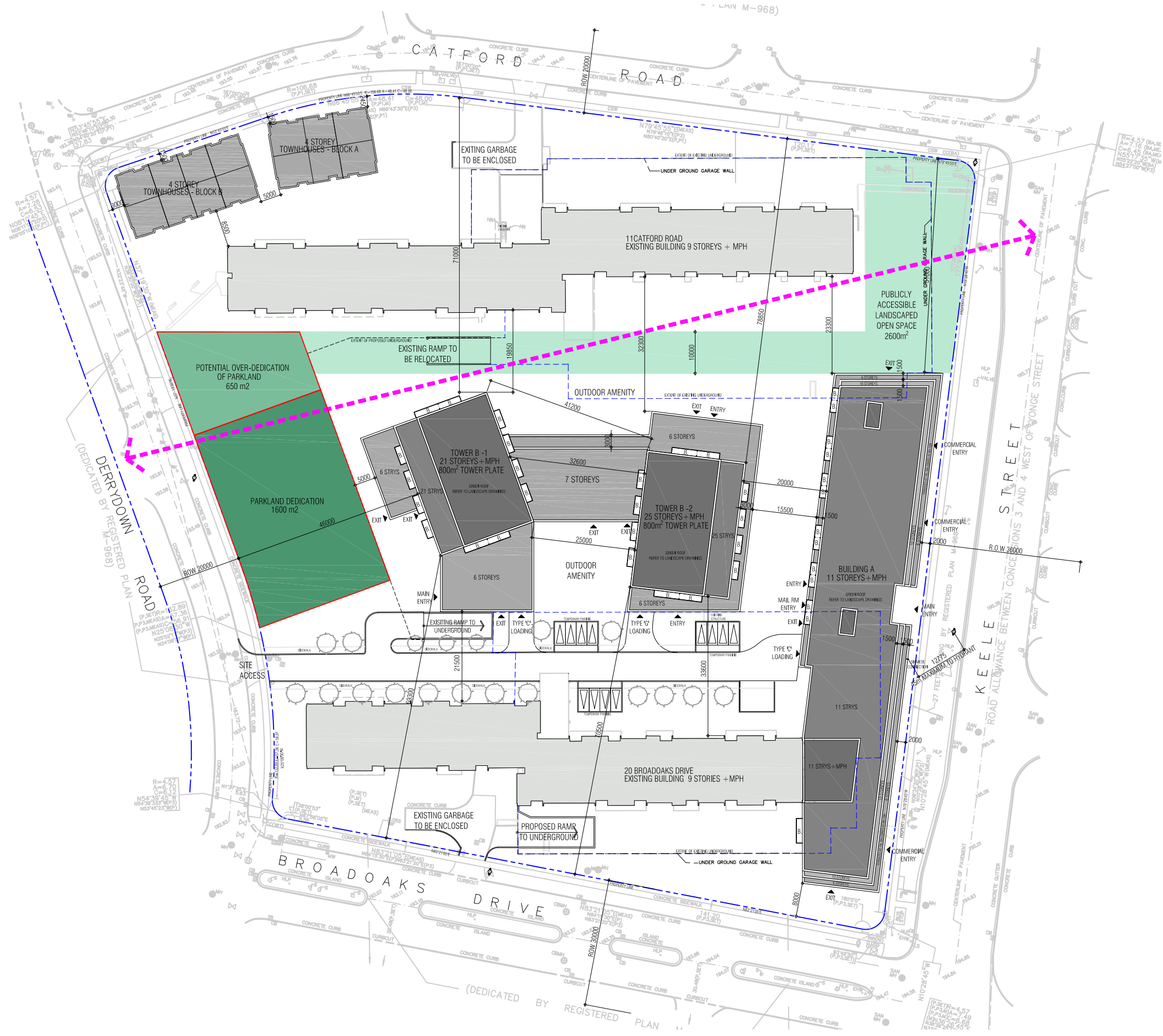
A handwritten signature in black ink, appearing to read 'C. Tanzola', written over a horizontal line.

Per: Christopher Tanzola
Partner

c. J. Bujak and K. Nunes, NHD Developments Limited

Schedule "A"

Architectural Plans prepared by Graziani & Corazza Architects Inc. (dated June 30, 2023)



Project Statistics:

Site Area

Gross	31,805 m2
Open Space	2,600 m2
Public Park	2,250 m2 (7%)
(park area includes Parkland over-dedication)	

GFA (per City by-law 569-2013)

Building A	28,629 m2
Building B	43,672 m2
Townhouses	3,283 m2
Existing Bldgs	39,734 m2
TOTAL	115,318 m2

FSI

Gross	3.63x
(inclusive of both existing and proposed)	

Proposed Unit Count

Building A	401 units
Building B	651 units
Townhouses	42 units
TOTAL	1094 units

Proposed Unit Mix

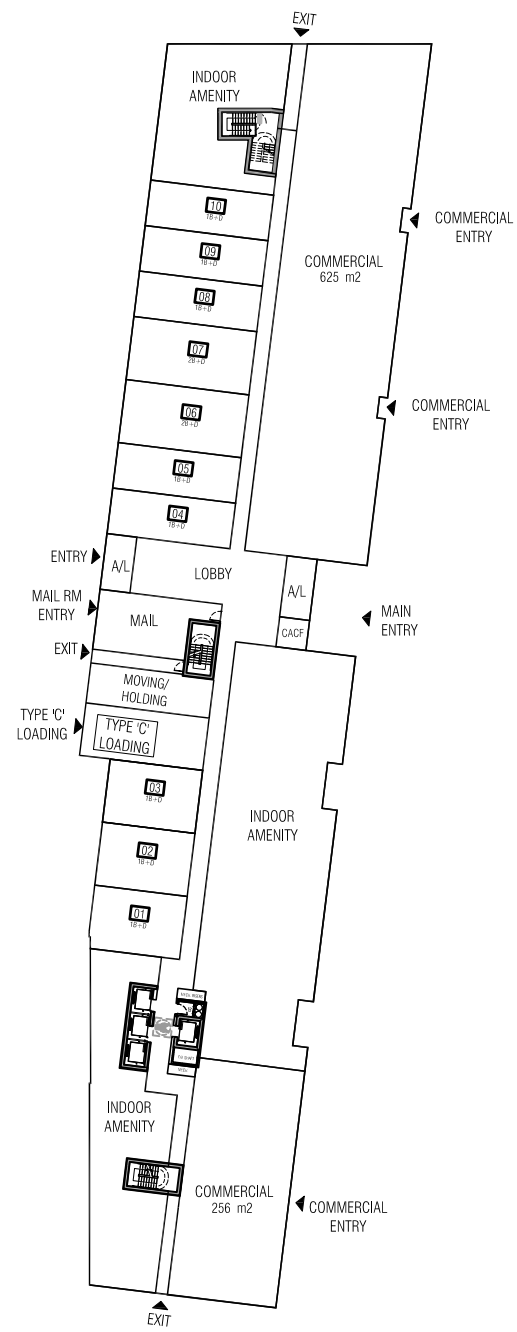
Studio	10	1%
1 Bedroom	630	57%
2 Bedroom	379	35%
3 Bedroom	75	7%
TOTAL	1094	100%

Proposed Amenity Area

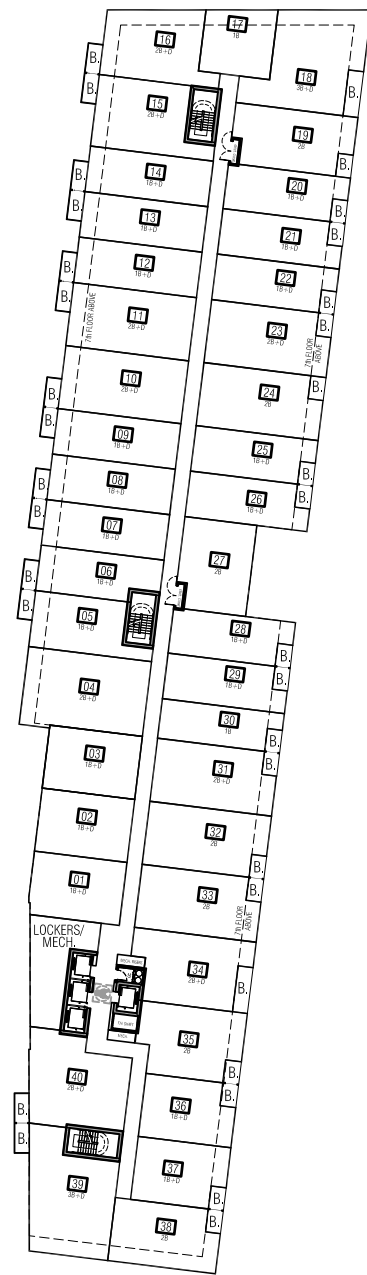
Indoor	2,188 m2
Outdoor	2,188 m2

Proposed Building Heights

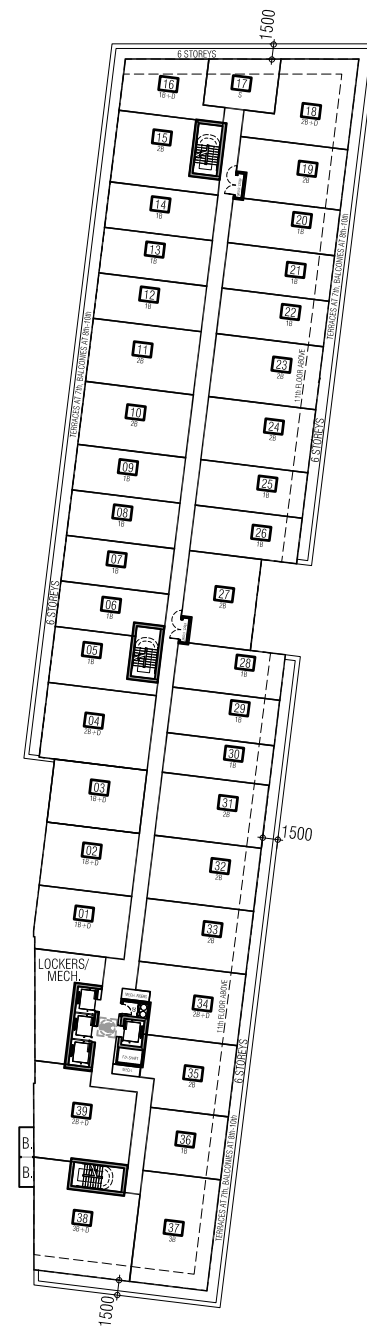
Building A	11 Storeys - 36.0 m
Building B1	21 Storeys - 65.45m
Building B2	25 Storeys - 77.55m
Townhouses	4 Storeys - 14.0m
(height exclusive of MPH)	



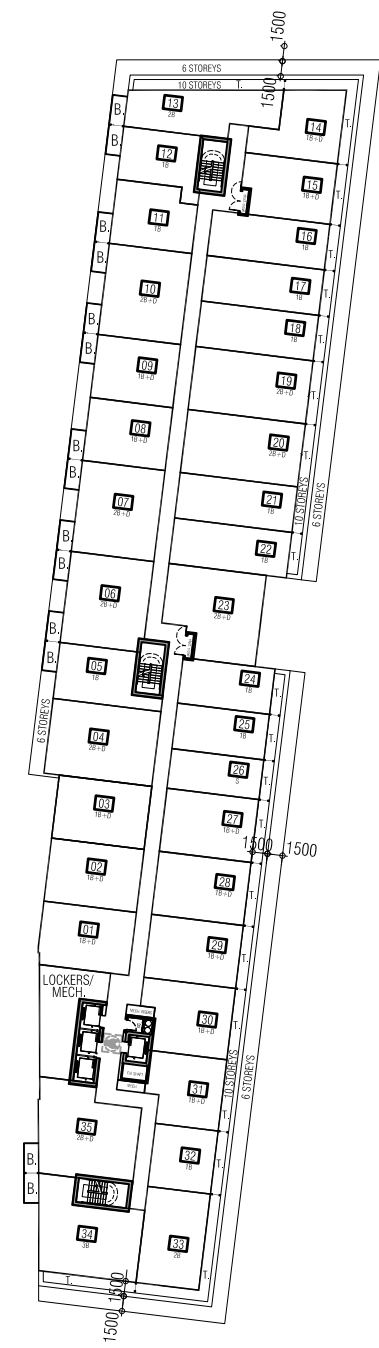
GROUND FLOOR



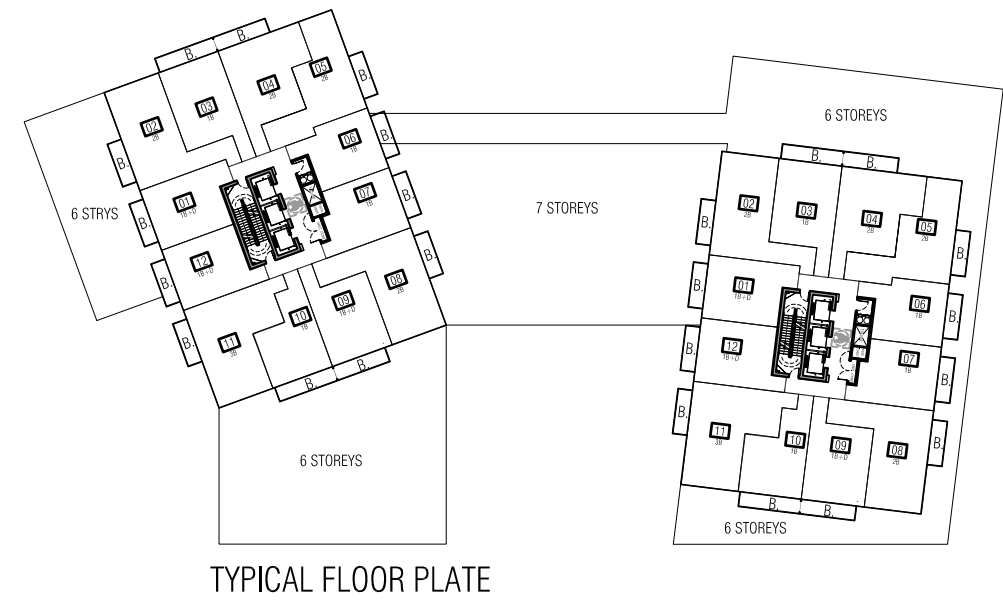
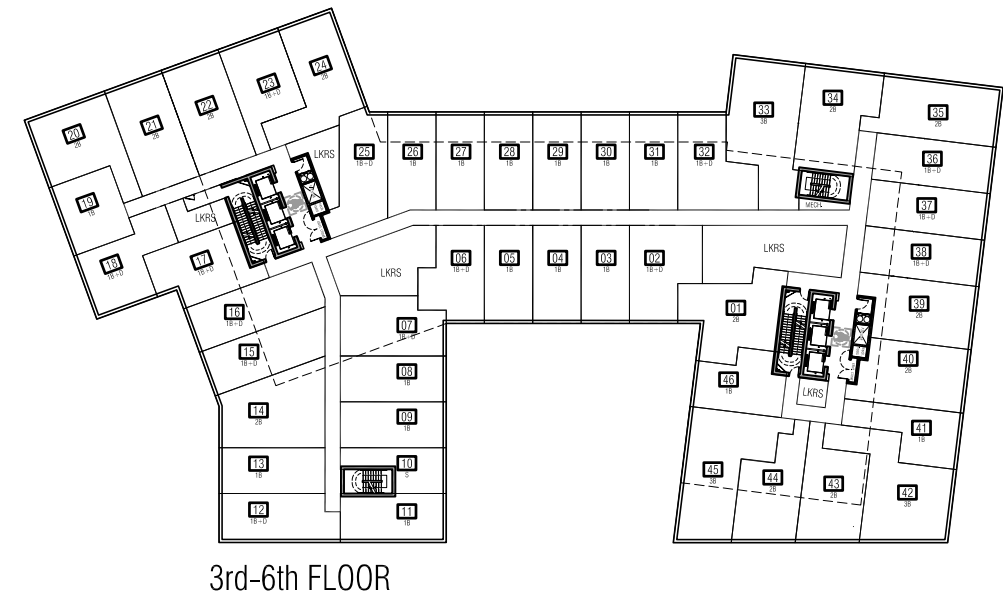
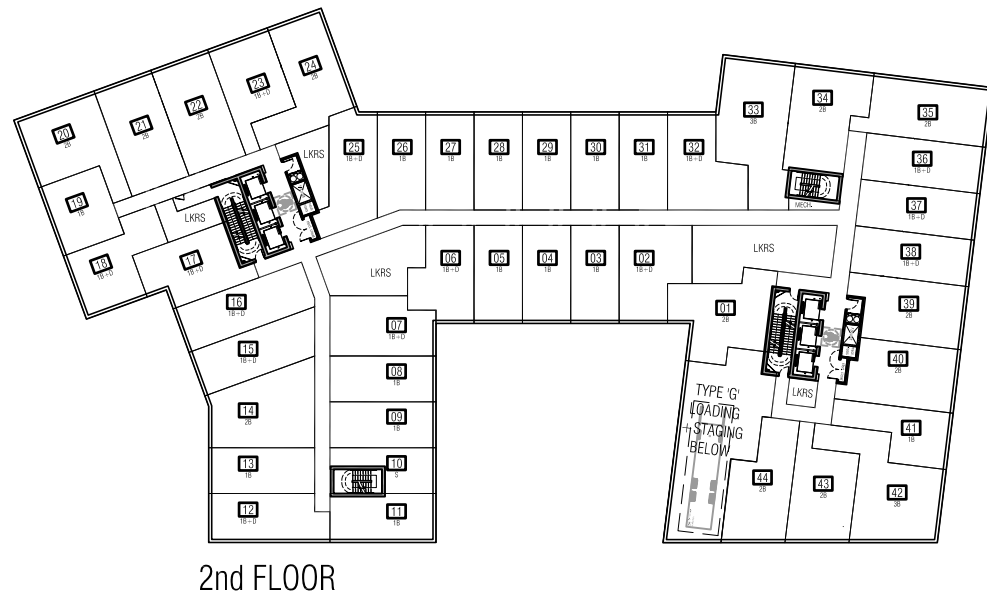
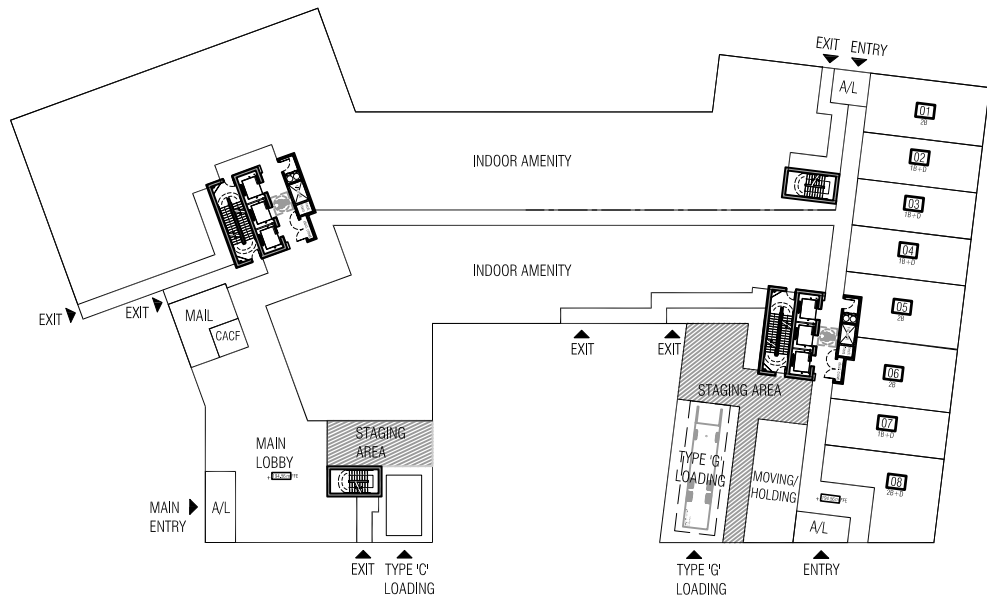
2nd-6th FLOOR



7th-10th FLOOR



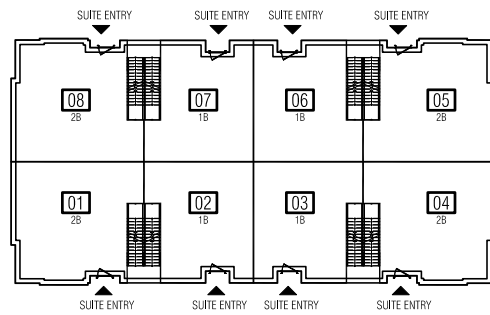
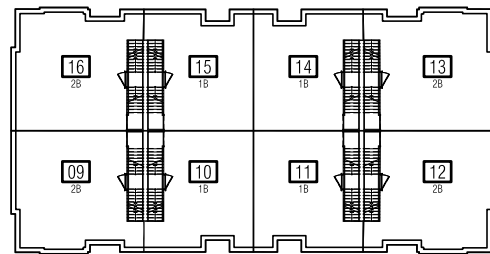
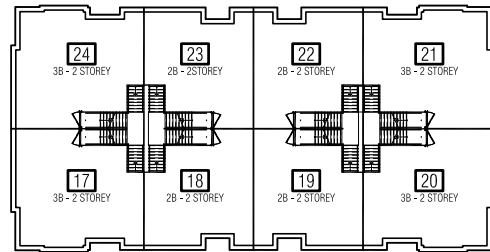
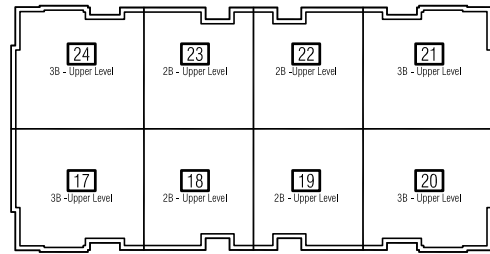
11th FLOOR



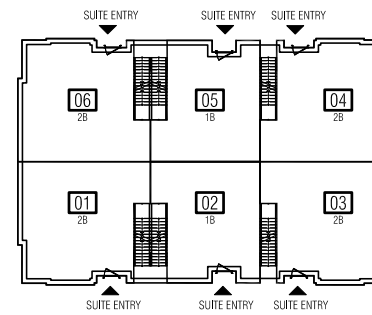
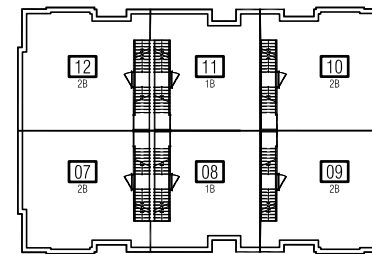
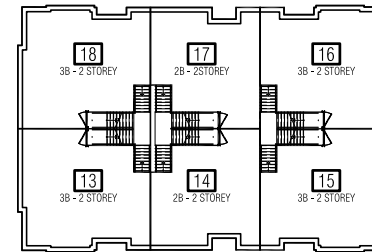
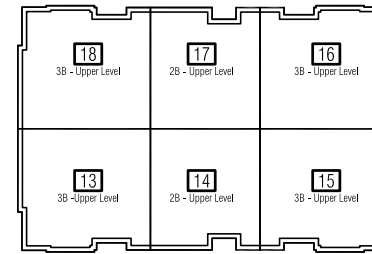
BUILDING B - FLOOR PLATES

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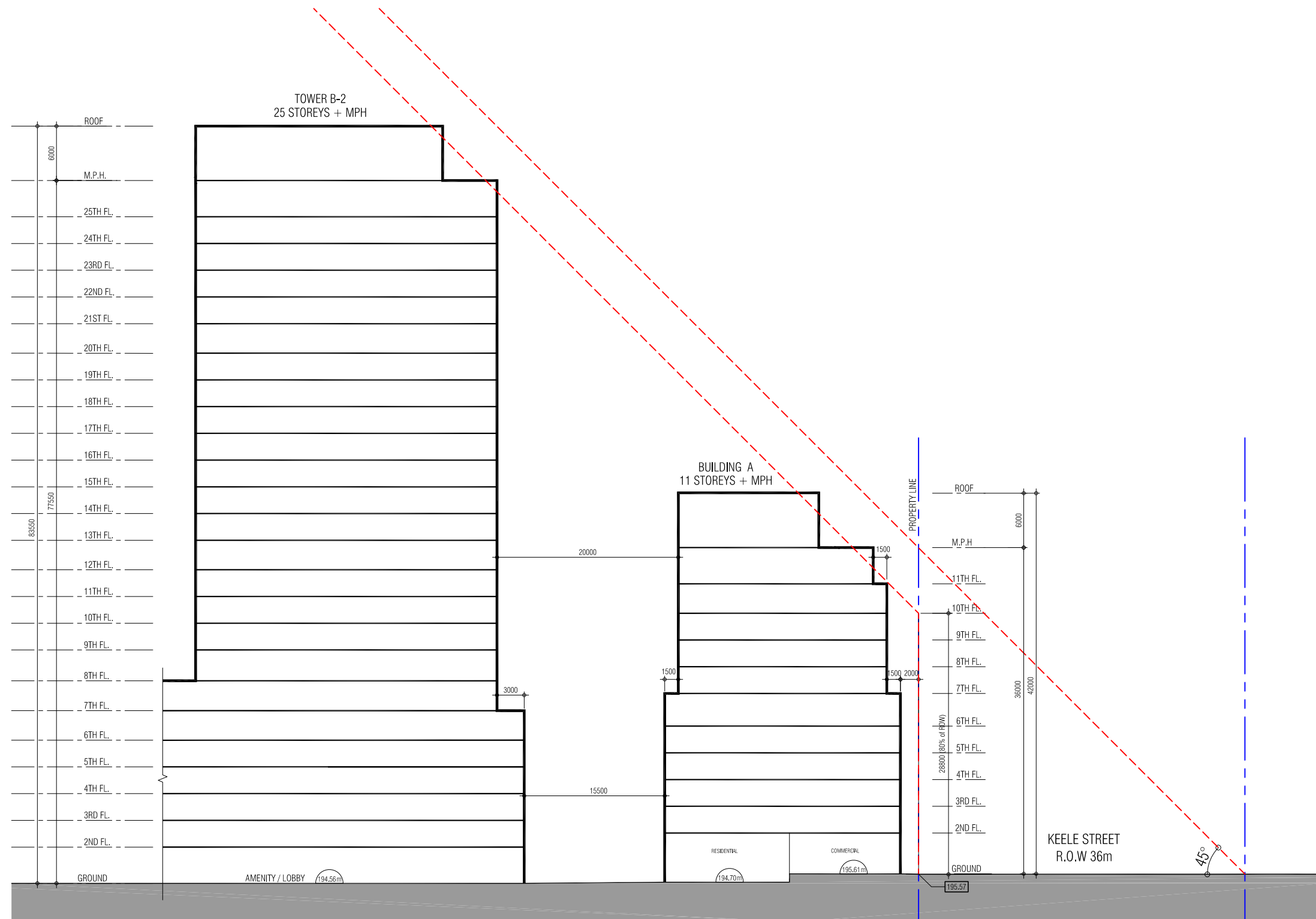




BLOCK B



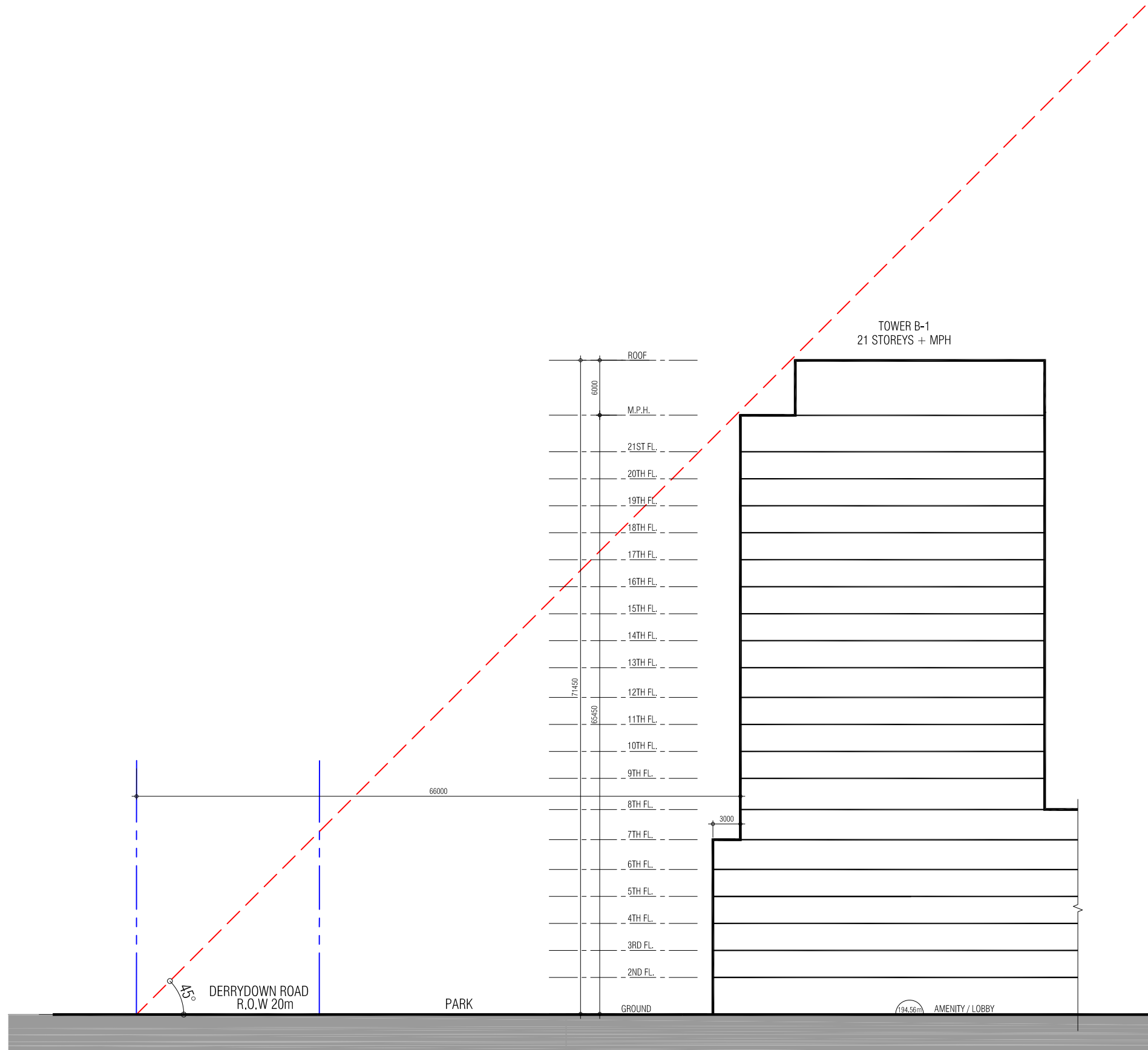
BLOCK A



BUILDING SECTION

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BUILDING SECTION

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