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File No. 23163

January 19, 2024

WITHOUT PREJUDICE

DELIVERED VIA EMAIL (ray.kallio@toronto.ca)

City of Toronto Legal Services
Metro Hall
55 John St., 26th Floor
Toronto, ON M5V 3C6

Attention: Ray Kallio

Dear Mr. Kallio,

RE: OLT Lead Case No. OLT-23-000278
561 Jarvis Street, 102-120 Earl Place and 6-8 Huntley Street, Toronto
Planning Application Nos.: 22 185925 STE 13 OZ and 22 185924 STE 13 SA
Appeals of OPA, Rezoning and Site Plan Applications
Without Prejudice Settlement Offer

We are the solicitors for Jarvis & Earl Inc. and Jarvis & Earl 2 Inc., the Applicant/ Appellant in the above-noted proceedings.

Further to our settlement discussions with yourself and City staff, 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 to a revised 58 storey mixed use development as set out in the attached architectural plans dated as December 6, 2023 prepared by Kirkor Architects and Planners (the "Proposed Development"). The main revisions from the original proposal before the OLT are as follows:

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188 Avenue Road,
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- a. The podium height has been lowered to 3-storeys along Earl Place, and 6-storeys along Jarvis Street. The podium height facing the northerly property line has been lowered to 6 storeys and 4 storeys where it was previously 9 storeys and 6 storeys respectively;
 - b. The podium and tower setbacks along both Jarvis Street and Earl Place have been increased as requested by City staff;
 - c. A minimum tower separation of 21.5 metres is maintained to the adjacent 20 storey building to the northeast; and
 - d. The entire building has been set back from Jarvis Street to achieve a dimension of 10 metres measured from the curb to the building face;
- (2) In terms of parkland, the Proposed Development provides for an approximately 491.28 square metre on-site parkland dedication fronting onto Huntley Street which represent the 6 and 8 Huntley Street properties (the “Huntley Properties”). This would more than satisfy our client’s parkland dedication requirement for the Proposed Development as it represents more than 20 percent of the combined site area. The proposed parkland will be: conveyed to the City prior to the issuance of the first above grade building permit; free and clear, above and below grade, of all easements, encumbrances, and encroachments; and in an acceptable environmental condition. The terms and conditions of the parkland dedication will be secured in a future agreement including the compensation/ credits that will be provided to our client for the parkland overdedication;
- (3) In terms of the site plan appeal, our client agrees to work with City staff to resolve the remaining site plan issues in order to finalize a NOAC following the approval by the OLT of the necessary OPA and zoning by-law amendments for the Proposed Development; and
- (4) Our client also acknowledges that it is agreeable to the following:
- a. The unit mix in the proposed building will include a minimum of 15 percent two-bedroom units, a minimum of 10 percent three-bedroom units and an additional 15 percent of units that could be converted into two-bedroom or three-bedroom units through the use of accessible or adaptable design measures;
 - b. A minimum of 475 square metres of outdoor amenity space and a minimum of 2000 square metres of indoor amenity space. Our client is also prepared to commit to a minimum combined ratio of 3.5 square metres per unit; and
 - c. All balconies on the north and east sides of the proposed building will be inset.

With respect to the issuance of the final Order for the OPA and Zoning By-law Amendments for the Proposed Development, our client is agreeable to the final Order being withheld subject to the following conditions being satisfied:

- (1) The OLT has been advised by the City Solicitor that the proposed OPA and Zoning By-law Amendments' form and content are satisfactory to the City;
- (2) The owner has resubmitted the Functional Servicing and Stormwater Management Report and Hydrogeological Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- (3) The owner has entered into an agreement or agreements or otherwise secured the design, construction, and the provision of financial securities for any required upgrades or improvements to the existing municipal infrastructure should it be determined that improvements or upgrades are required to support the development as may be identified in the accepted Functional Servicing and Stormwater Management Report, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- (4) The owner has secured replacement of the existing rental housing, including the same number of units, bedroom type and size and with similar rents;
- (5) The owner has secured an acceptable Tenant Relocation and Assistance Plan addressing the right for existing and former tenants to return to a replacement rental unit on the lands at similar rents, the provision of alternative accommodation at similar rents, and other assistance to mitigate hardship, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- (6) City Council has approved the Rental Housing Demolition application 22 199096 STE 13 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 existing rental dwelling units and the owner has entered into, and registered on title to the lands, one or more agreements with the City, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, securing all rental housing-related matters necessary to implement City Council's decision.

In support of the settlement offer, please find attached the following:

- (1) Architectural Plans dated December 6, 2023 prepared by Kirkor Architects and Planners.

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.

Yours truly,

KAGAN SHASTRI DeMELO WINER PARK LLP

A handwritten signature in blue ink, appearing to read 'J-Park', written over a horizontal line.

Jason Park
JLP/ss

Attachment

Please reply to the: Downtown Office

cc: Jarvis & Earl Inc. and Jarvis & Earl 2 Inc.