



June 7, 2024

WITHOUT PREJUDICE

City of Toronto
Legal Services
26th Floor, 55 John Street
Metro Hall
Toronto, Ontario
M5V 3C6

Attention Mr. Nathan Muscat:

Dear Sirs:

**Re: OLT-23-001259; 630 The East Mall
Offer to Settle Outstanding Appeal**

We act as legal counsel for 630 The East Mall Inc. (“Owner”), owner of lands located on the west side of The East Mall, north of Burnhamthorpe Road abutting Highway 427, known municipally as 630 The East Mall (the “**Property**”). We are writing on behalf of our client with a without prejudice settlement offer in respect of the above-noted matter, which should be considered as open until the conclusion of the City Council meeting scheduled to commence on June 26, 2024.

As you know, since the filing of this appeal, we have engaged actively in without prejudice discussions with City staff over the last several months regarding the redevelopment proposal for the Property. These discussions have resulted in design revisions to the proposal and some further submissions in response to concerns that had been raised by staff.

We are pleased to have incorporated the results of these discussions into this Offer to Settle, commencing with the revised Architectural Plans, which are attached to this letter in Schedule “A” (the “**Revised Plans**”). Further we attach the updated Traffic Impact Study as associated materials in Schedule “B”. Our client appreciates the efforts of City staff in achieving this proposed settlement.

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

BUILT FORM MATTERS:

1. Among other matters, the Revised Plans implement modifications and confirmation of certain details to achieve the following:
 - a) An overall FSI of 6.5 density;
 - b) Three building components, consisting of two towers (24 storeys each) and a mid-rise building. The two towers are satisfactory to the City as basis of settlement;
 - c) The mid-rise building has been reduced from 12 storeys to 11 storeys (34.0 m from an established grade of 147.32 m exclusive of mechanical penthouse);
 - d) Outset balconies on the first three floors of the mid-rise building façade with direct frontage adjacent to The East Mall have been removed;
 - e) 1.8 m wide stepbacks at Level 7 and Level 10 have been incorporated into the mid-rise building;
 - f) A new pedestrian entrance / lobby has been incorporated into the podium of the tall buildings directly facing The East Mall;
 - g) The indoor and outdoor amenity zoning standard total of 4 sq m has been provided, with a slight oversupply of indoor amenity space and a slight undersupply of outdoor amenity space. It is noted, however, that the outdoor amenity space calculations do not include the large landscaped open space along the western property limit which is over and above the calculated amount;
 - h) Pet amenity areas (dog wash areas) have been shown on the ground floor plans of the buildings;

- i) A total residential unit count of 816 units, of which a minimum shall be 10% three-bedroom and 15% two-bedroom units;

TRANSPORTATION MATTERS:

2. On-site parking provision of 396 spaces, of which 44 will be visitor, resulting in a ratio of 0.43 parking spaces per unit for residents and 0.05 parking spaces per unit for visitors. Supporting documentation has been provided by WSP for the above ratios in Schedule B;
3. Per Toronto Green Standard, all residential vehicular parking spaces include an energized outlet capable of Level 2 charging or higher in the parking space. Additionally, 25% of all visitor vehicular parking spaces include an energized outlet capable of Level 2 charging or higher in the parking space. These have been shown in the Revised Plans in Schedule A;
4. There will ultimately be two access points to service the site. The southerly access will lead to a full moves, signalized entrance on the lands to the south. The northerly access will be a limited moves (right-in / right-out) access in its ultimate condition. However, until the southerly access is constructed, the northerly access will be constructed as an Interim condition with full turn movements. Professional transportation documentation has been provided which details turning movements on and off site, including for the ultimate and interim conditions. This documentation is found in Schedule B; and
5. 630 The East Mall Inc. will diligently pursue and in so doing agrees to cooperate, use best efforts and participate with the adjoining owner to the south in an ultimate shared access driveway and new set of traffic lights on The East Mall acknowledging the need to accommodate differing timing scenarios for the build out of the two adjoining properties. The owner to the south is currently in the process of obtaining Site Plan Approval and it is understood that the City will require the neighbour to participate in the joint access.

The Zoning Bylaw Amendment will be prepared to incorporate these matters as appropriate.

Should Council accept this settlement offer, we will abide by the conditions as noted in the Procedural Order as revised to reflect the above noted transportation matters (in a below):

“22. If the proposed development is approved in whole or in part, should the Tribunal Order(s) on the Zoning By-law Amendment be withheld until the Tribunal has received confirmation from the City Solicitor that the following conditions are satisfied:

- a. The owner has submitted a revised Transportation Impact Study including all requested revisions to the satisfaction of the General Manager, Transportation Services which reflects the ultimate and interim conditions (The southerly access will lead to a full moves, signalized entrance on the lands to the south. The northerly access will be a limited moves (right-in / right-out) access in its ultimate condition. Until the southerly access is constructed, the northerly access will be constructed as an Interim condition with full turn movements).*

630 The East Mall Inc. has demonstrated that it has diligently pursued using best efforts with the adjoining owner to the south to secure the construction of an ultimate shared access driveway and new set of traffic lights on The East Mall (the owner to the south is currently in the process of obtaining Site Plan Approval that the City will require the neighbour to participate in the joint access).

- b. The owner has addressed all outstanding issues identified within the Engineering and Construction Services correspondence, dated November 15, 2023, to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services;*
- c. The owner has submitted a revised Functional Servicing and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services, and such report shall determine the stormwater runoff, sanitary flow and water supply demand resulting from the development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development, and/or any upgrades that may be required;*

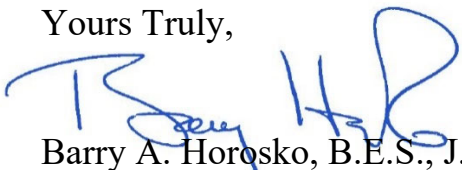
- d. *The owner has submitted a revised Hydrological Assessment Report, Hydrological Review Summary Form, Servicing Report Groundwater Summary Form and Foundation Drainage Summary Form to determine the quality and quantity of groundwater that may be required to be discharged to the City sewage works as a result of a proposed development and comply with Foundation drainage policy and guidelines to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services and the General Manager, Toronto Water;*
- e. *Should it be determined that upgrades are required to the infrastructure to support the development according to the Transportation Impact Study and/or the accepted Functional Servicing and Stormwater Management Report, City Council direct the City Solicitor and appropriate City staff to request that a Holding Provision be included in the final form of the site-specific Zoning By-law Amendment, and the Holding Provision is not to be lifted until such time as the owner has made satisfactory arrangements with the City for the design and construction of any improvements to the municipal infrastructure, including entering into appropriate agreement(s) with the City and the provision of financial securities, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and General Manager, Transportation Services;*
- f. *The owner has addressed all outstanding issues raised by Urban Forestry noted in correspondence, dated November 16, 2023, including the need for an updated Landscape Plan, Planting Plan and Soil Volume Plan, to the satisfaction of the General Manager of Parks, Forestry and Recreation;*
- g. *The Noise and Vibration Report has been peer reviewed at the cost of the applicant and any required revisions resulting from this study have been made to the proposal to the satisfaction of the Chief Planner and Director, City Planning;*
- h. *The Air Quality Study has been peer reviewed at the cost of the applicant and any required revisions resulting from this study have been made to the proposal to the satisfaction of the Chief Planner and Director, City Planning; and*

- i. *The owner has made revisions to meet the Toronto Green Standard requirements to the satisfaction of the Chief Planner and Executive Director, City Planning;*
- j. *The owner has provided a revised Pedestrian Wind Study, such report to be reviewed with recommendations implemented as part of the amending Zoning By-law(s) and/or secured in a development agreement to the satisfaction of the Chief Planner and Executive Director, City Planning; and*
- k. *The form and content of the Zoning By-law Amendment is satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor.”*

As noted above, this without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on June 26, 2024, at which point it should be considered as withdrawn if not accepted by City Council. Should Council resolve to accept the Offer, we hereby confirm that the Offer shall be treated as With Prejudice and on the record.

Our client greatly appreciates the work of City staff that has enabled the presentation of this settlement offer to the City.

Yours Truly,



Barry A. Horosko, B.E.S., J.D.
Horosko Planning Law

Encl.

cc. Owners
D. McKay, MHBC

Schedule A – Revised Plans

Schedule B – Updated TIS / Traffic Materials