



Kagan | Shastri
DeMelo | Winer | Park
LAWYERS | LLP

JASON PARK
Direct: 416.645.4572
jpark@ksllp.ca

File No. 23105

June 20, 2024

WITH PREJUDICE

VIA EMAIL: matthew.longo@toronto.ca, uttra.gautam@toronto.ca

Matthew Longo & Uttra Gautam
Planning & Administrative Tribunal Law Section
City of Toronto Legal Services
Metro Hall, 26th Floor
55 John Street
Toronto, ON M5V 3C6

Dear Mr. Longo & Ms. Gautam:

Re: - 200 University Avenue, City of Toronto
- Planning Application Nos.: 22 166819 STE OZ and 22 200875 STE 10 SA
- Appeal to OLT of Official Plan Amendment Application, Zoning By-law
Amendment Application, Site Plan Approval Application, Heritage
Demolition Permit and Heritage Alteration Permit
- OLT Lead Case No. OLT-22-004800 (Related OLT Case Nos. OLT-23-001329,
- OLT-23-001330, OLT-22-004801, OLT-22-004802)

- Proposed Settlement Offer

As you know, we are the solicitors for The Canada Life Assurance Company (c/o GWL Realty Advisors Inc.), the owner of the lands known municipally as 200 University Avenue in the City of Toronto (the “**Site**”), and the applicant/appellant (our “**Client**”) with respect to the above-noted appeal of the Official Plan Amendment, Zoning By-law Amendment and Site Plan Approval applications. Our Client also submitted applications to alter and/or demolish the heritage building on the Site under Sections 33 and 34 of the *Ontario Heritage Act*, which applications were refused and subsequently appealed to the Ontario Land Tribunal.

Our Client is pleased to provide the following settlement offer on a with prejudice basis in full settlement of all of the outstanding appeals noted above. If accepted by City Council, our Client would formally revise its development proposal that is the subject

00405172-16

Yorkville Office:
188 Avenue Road,
Toronto, ON, M5R 2J1
P. 416.368.2100 | F. 416.368.8206 | ksllp.ca

Downtown Office:
250 Yonge Street, Ste 2302, P.O. Box 65
Toronto, ON, M5B 2L7
P. 416.645.4584 | F. 416.645.4569 | ksllp.ca

of the above noted appeals before the OLT, as noted below and as set out in the attached architectural plans dated May 21, 2024 prepared by KPMB Architects, subject to satisfying conditions related to the issuance of a final Order on the appeals.

Revised Development Proposal

In its revised form, the proposed development includes the retention of the existing heritage-designated 16-storey building with a 37-storey addition above for a total of 53 storeys (188.5 metres with mechanical penthouse). An overall gross floor area of 49,159 square metres is proposed, comprised of 49,052 square metres of residential floor area and 107 square metres of retail floor area. The proposed density is 27.9 times the area of the lot. 620 total residential units are proposed, with 59 residential parking spaces, 8 visitor parking spaces, and 621 bicycle parking spaces.

The main revisions from the proposal that is currently before the Tribunal relate to the following:

- (1) The pavilion building along University Avenue has been eliminated;
- (2) Increased tower setbacks above the 45th storey have been provided in order to ensure the proposed building is not within the flight paths as set out in Minister's Zoning Order O. Reg. 10/24;
- (3) The overall height has been increased from 51 to 53 storeys;
- (4) Refinements have been made to the massing and materiality of the upper element of the proposed building, which have been discussed with City Heritage Preservation Services staff as in the attached Heritage Impact Assessment dated June 10, 2024 prepared by ERA Architects Inc.;
- (5) The exterior wall on the northwest corner of the ground floor has been shifted to provide the full rebate requested by staff for symmetry with northeast corner;
- (6) Our client is proposing private garbage collection for the site in order to provide functional loading spaces within the existing heritage building envelope. We understand that a satisfactory rationale for this arrangement will need to be provided to the General Manager, Solid Waste Management Services;
- (7) The development will incorporate a knock-out panel for a future PATH connection; and
- (8) The existing office space is proposed to be eliminated for residential and amenity uses.

Affordable Housing

In lieu of retention of the existing office space, our Client is prepared to provide affordable rental housing units on the following terms and conditions as agreed to with City Housing staff:

- (1) A minimum of 20 affordable rental housing units will be provided, with a 40-year affordability period;
- (2) The initial rents (inclusive of utilities) charged to the first tenants of the affordable rental housing units and upon turnover of any affordable rental housing unit for the duration of the affordability period will meet the City's current definitions for affordable rents, as follows:

Housing where the total monthly shelter cost (gross monthly rent, inclusive of utilities for heat, hydro, hot water and water) is at or below the lesser of one times the average City of Toronto rent, by dwelling unit type, as reported annually by the Canada Mortgage and Housing Corporation (CMHC), or 30% of the before-tax monthly income of renter households in the City of Toronto as follows:

1. *studio units: one-person households at or below the 50th percentile income;*
 2. *one-bedroom units: one-person households at or below the 60th percentile income;*
 3. *two-bedroom units: two-person households at or below the 60th percentile income;*
 4. *three-bedroom units: three-person households at or below the 60th percentile income.*
- (3) The total Gross Floor Area ("GFA") for the affordable units shall be no less than 2,020 square metres and no less than 15% of the converted office space (each including corridors), to be located on floors 2 and 3 of the retained building.
- (4) The unit mix and sizes for the initial 20 affordable units will be generally as follows:
 - a. Twelve (12) one-bedroom units, with a minimum size of 54 square metres;
 - b. Six (6) two-bedroom units, with a minimum size of 67 square metres;
 - c. Two (2) three-bedroom units, with a minimum size of 93 square metres; and
- (5) With unit type for any additional units beyond the initial 20 to be determined based on detailed design of floor layouts, accommodating the minimum unit sizes listed by type above; and
- (6) These affordable units are proposed to be provided through the City's Open Door Program and therefore be eligible for the Open Door benefits, including but not limited to, exemptions for Planning Application fees, Development Charges, Education Development Charges, Building Permit fees, Parkland Dedication

payments and Residential Property Taxes (for the term of the affordability time period), and staff will recommend authorization of eligibility for these units as part of the Open Door Program.

Community Benefits Charge, In-Kind Contribution

Prior to the issuance of a building permit for the proposed development, our Client is prepared to continue discussions with City staff to see if an agreement can be reached to deliver additional affordable housing units as a CBC in-kind contribution.

Conditions to the Issuance of the Final Order on Official Plan Amendment and Zoning By-law Amendment

Should City Council accept the settlement offer, our Client is agreeable to the OLT's final Order on the Zoning By-law Amendment be withheld subject to the City Solicitor advising that the following conditions have been satisfied:

- (1) the final form and content of the draft Official Plan Amendment and Zoning By-law Amendment is satisfactory to the Interim Chief Planner and Executive Director, City Planning and the City Solicitor;
- (2) the owner has addressed any outstanding issues in relation to site servicing and has submitted revised Functional Servicing, Stormwater Management and Hydrogeological Reports providing confirmation of water, sanitary and stormwater capacity to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and entered into and registered a financially secured agreement satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services to construct, provide, make operational, and warrant any necessary upgrades to existing services and facilities or new services and facilities;
- (3) the owner has addressed any outstanding issues in relation to the requirements of Transportation Services and Solid Waste Management as set out in the memo from Development Engineering to City Planning dated October 4, 2022, to the satisfaction of Transportation Services and Solid Waste Management Services;
- (4) the owner has addressed any outstanding issues in relation to requirements of Transportation Planning with respect to a PATH connection within the development, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (5) the owner has addressed any outstanding issues in relation to the Toronto Transit Commission's Line 1 Yonge-University Subway, as set out in the

Toronto Transit Commission memorandum dated August 4, 2022, to the satisfaction of the Toronto Transit Commission;

- (6) the owner has confirmed that no portion of the building and no temporary construction equipment or maintenance equipment for the building will extend into the Flight Obstacle Limitation Surface for St. Michael's Hospital, as set out in Ontario Regulation 10/2024, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (7) the owner agrees, as a condition of site plan approval, that the owner prepare and thereafter implement a Heritage Lighting Plan, a Signage Plan and an Interpretation Plan, and that the owner provide a letter of credit to secure all work included in the approved Conservation Plan, approved Interpretation Plan and approved Lighting Plan, including a provision for upwards indexing, all to the satisfaction of the Senior Manager, Heritage Planning;
- (8) the owner has provided a detailed Conservation Plan prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Heritage Impact Assessment for 200 University Avenue, prepared by ERA Architects Inc., dated June 10, 2024, to the satisfaction of the Senior Manager, Heritage Planning; and
- (9) the owner has entered into a Heritage Easement Agreement with the City for the property at 200 University Avenue substantially in accordance with plans and drawings prepared by KPMB Architects, dated May 21, 2024, submitted with the Heritage Impact Assessment prepared by ERA Architects Inc., dated June 10, 2024, subject to and in accordance with the approved Conservation Plan required above, to the satisfaction of the Senior Manager, Heritage Planning including execution of such agreement to the satisfaction of the City Solicitor.

Site Plan Control Application

Our Client is agreeable to an adjournment of its site plan control application appeal to the Tribunal and will work with City staff to resolve any remaining issues (including matters relating to management of solid waste) pertaining to a revised Site Plan Control submission to be made by the City that is in accordance with the proposed development.

Accordingly, our Client agrees to work with City staff to resolve the remaining site plan issues in order to finalize the Plans and Drawings for Site Plan Approval and the preparation of associated Notice of Approval Conditions following the approval by the OLT of the necessary Official Plan Amendment and Zoning By-law Amendment for the proposed development.

Conclusion

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

- (1) Architectural Plans, dated May 21, 2024 prepared by KPMB Architects; and
- (2) Heritage Impact Assessment, dated June 10, 2024 prepared by ERA Architects Inc.

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 or my colleague, Adrian Frank, at 416.645.4582 or via email at afrank@ksllp.ca.

Yours truly,

KAGAN SHASTRI DeMELO WINER PARK LLP



Jason Park
JIP/AGF/ss

Attachments

cc: GWL Realty Advisors Inc.

Please reply to the: Downtown Office