



Eileen P.K. Costello
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E-mail: ecostello@airdberlis.com

September 19, 2024

WITHOUT PREJUDICE AND CONFIDENTIAL

Matter No. 116579

BY EMAIL: Jessica.braun@toronto.ca; adam.ward@toronto.ca

Jessica Braun and Adam Ward
Planning and Administrative Tribunal Law
City of Toronto Legal Services Division
55 John Street
26th Floor, Metro Hall
Toronto, ON M5V 3C6

Dear Ms. Braun and Ms. Ward:

**Re: Without Prejudice Settlement Offer
296, 298, 300 King Street East and 58-60 Berkeley Street
OLT-22-004636**

We are counsel for Lamb Berkeley Corp. and 58 60 Berkley Corp. the owners of 296, 298, 300 King Street East and 58-60 Berkeley Street (the “**Site**”). The Site comprises multiple properties with an area of 0.139 hectares and is located at the northwest corner of King Street East and Berkeley Street. The Site currently contains two 1-storey commercial buildings and a 3-storey mixed use building.

Background

In November 2021, on behalf of our clients, we submitted an Official Plan Amendment (“**OPA**”) and Zoning By-law Amendment Application (“**ZBA**”) to permit the redevelopment of the Site with a 34 storey mixed use building comprised of approximately 1,188 square metres of grade-related commercial uses and 364 residential units above.

The City deemed the OPA/ZBA applications complete as of May 17, 2022.

A Preliminary Report dated January 31, 2022, was considered by Toronto and East York Community Council on February 16, 2022, and a Community Consultation meeting took place on April 12, 2022.

In September 2022, our clients filed appeals in respect of the OPA/ZBA applications arising from Council’s failure to make a decision within the statutory timeframes (the “**Appeal**”).

Following the Appeal, our clients continued to work cooperatively with City Staff in order to arrive at a resolution. Our client’s consultants have regularly met with various departments at the City, and have produced multiple iterations of the proposal, working cooperatively with City staff in concerted effort to settle the Appeal.

On June 18, 2024, our client submitted revised plans along with an application to alter the heritage properties at 296-300 King Street East and 56-60 Berkeley Street and to demolish non-contributing portions of the buildings in connection with the redevelopment of the Site under Section 42 of the *Ontario Heritage Act* (“**OHA Permit Application**”).

Through the summer of 2024 our client worked with Toronto Heritage Preservation Staff to develop a revised conservation and demolition/reconstruction strategy, and in July 2024, our client submitted an updated Heritage Impact Assessment detailing that strategy.

A Heritage Planning Staff report dated August 28, 2024 was issued, which recommended that City Council approve the OHA Permit Application. This report will be considered by the Toronto Preservation Board at its meeting on September 20, 2024 (Item PB22.4), and subsequently by Council.

Settlement Proposal

This letter provides a without prejudice full and final settlement offer to resolve the Appeal (the “**Settlement Proposal**”). The Settlement Proposal is supported by the enclosed architectural plans prepared by architectsAlliance dated June 27, 2024.

The Settlement Proposal will provide for the redevelopment of the Subject Property with a 46-storey mixed use building (plus a mechanical penthouse with green roof). The Settlement Proposal includes a total gross floor area of 28,493 square metres comprised of a maximum of 27,831 square metres of residential gross floor area and 663 square metres of non-residential gross floor area. Non-residential commercial and retail uses are proposed along King Street East within the retained heritage buildings to animate the public realm.

Approximately 478 residential units, in a range of unit sizes, with a minimum of 10% three bedroom dwelling units, and a minimum of 15% two bedroom dwelling units. Interior amenity space is located on the mezzanine level and the 2nd and 3rd with adjacent outdoor amenity space on the 2nd and 3rd floors.

Vehicular Access to the development is taken from the rear along Pompadour Lane, with a proposed 1.48 metre lane widening. 44 parking spaces will be provided in the development, all of which will be EV compatible. A total of 528 bike parking spots will be provided, which will meet or exceed the City’s by-law requirements for cycling infrastructure.

Conditions to the Issuance of the Final Order

Should City Council accept the without prejudice settlement offer, our client is also agreeable to the OLT’s final Order on the ZBA and OPA be withheld subject to the City Solicitor advising that the following conditions have been satisfied:

- a) the final form and content of the Official Plan and Zoning By-law Amendment are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
- b) the owner has provided confirmation of water, sanitary and stormwater capacity to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or the Chief Engineer and Executive Director, Engineering and Construction

Services has determined that holding provisions are required in the Zoning By-law amendment;

- c) in the event that improvements or upgrades and/or new infrastructure are required to support the development, the owner has entered into agreement(s) for the construction of any such improvements to such services, as required, at no cost to the City and to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- d) the owner has resolved matters related to the Pompadour Lane widening, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- e) the owner has entered into a Heritage Easement Agreement with the City for the property at 296-300 King Street East and 56-60 Berkeley Street substantially in accordance with plans and drawings prepared by architects Alliance, dated June 27, 2024 and the Heritage Impact Assessment prepared by ERA Architects Inc., dated November 5, 2021, revised July 2, 2024 subject and in accordance with the approved Conservation Plan required in f. below., all to the satisfaction of the Senior Manager, Heritage Planning, including execution of such agreement to the satisfaction of the City Solicitor;
- f) the owner has provided a detailed Conservation Plan, prepared by a qualified heritage consultant that is consistent with the conservation and demolition/reconstruction strategies set out in the Heritage Impact Assessment prepared by ERA Architects Inc. dated November 5, 2021 and updated and re-issued July 2, 2024 to the satisfaction of the Senior Manager, Heritage Planning;
- g) has secured an acceptable Tenant Relocation and Assistance Plan in accordance with Official Plan Policy 3.2.1.12 for tenants of the existing rental dwelling units proposed to be demolished, addressing financial compensation and other assistance to lessen hardship, and the Tenant Relocation and Assistance Plan shall be to the satisfaction of the Chief Planner and Executive Director, City Planning and implemented prior to the issuance of Notice of Approval Conditions for Site Plan Control approval;
- h) has provided an undertaking or agreement to the City, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning, to secure the Tenant Relocation and Assistance Plan as required in g. above;
- i) resolved its appeals of the King Parliament Secondary Plan (OPA 525) Ontario Land Tribunal Files OLT-21-001024 and OLT-21-001041, respectively (lead Case File OLT-21-001024) in accordance with the May 8, 2023 Ontario Land Tribunal Order to the satisfaction of the City Solicitor; and
- j) provided confirmation that the development will be constructed and maintained in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the Site Plan Control application.

Conclusion

This settlement offer will remain open for acceptance until the end of the City Council meeting scheduled to commence on October 9, 2024, unless otherwise indicated. After that point this offer should be considered as withdrawn if not accepted by City Council. If City Council accepts the Settlement Offer, our client consents to the release of this Settlement Offer, including all enclosures.

Should you have any further questions, or require clarification with respect to the above or attached materials, please do not hesitate to contact the undersigned.

Yours truly,

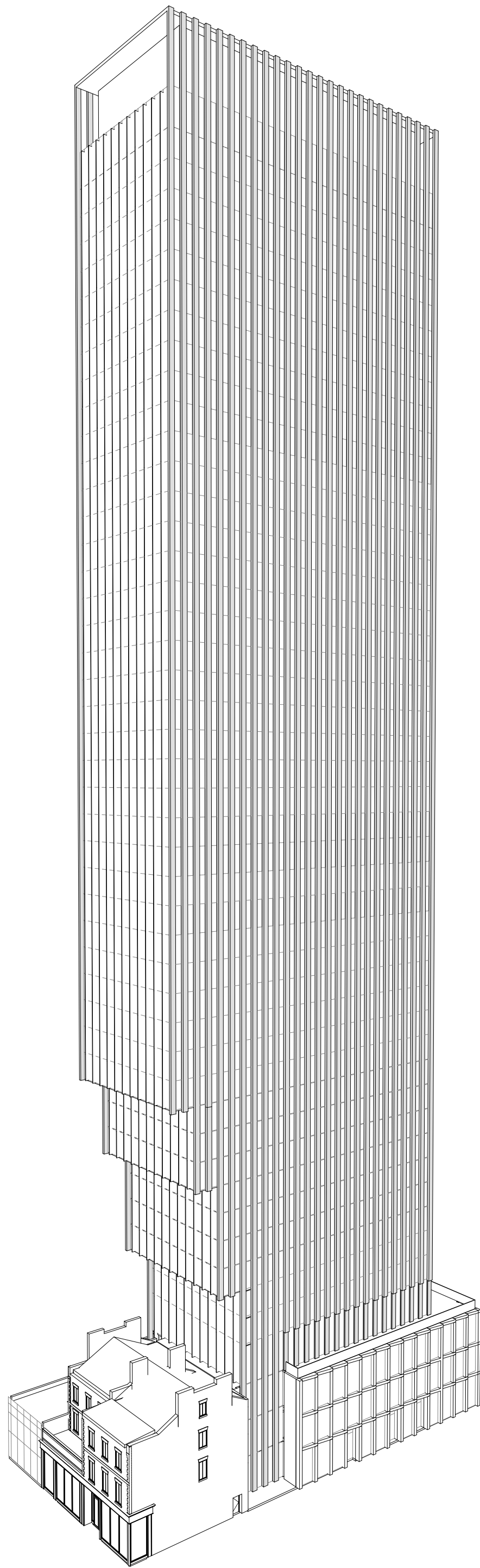
AIRD & BERLIS LLP

A handwritten signature in dark ink, appearing to read "Eileen P.K. Costello". The signature is fluid and cursive, with the first name "Eileen" being more prominent.

Eileen P.K. Costello
EPKC:MH:gg

Enclosure

cc Client
61682331.3



300 KING STREET EAST

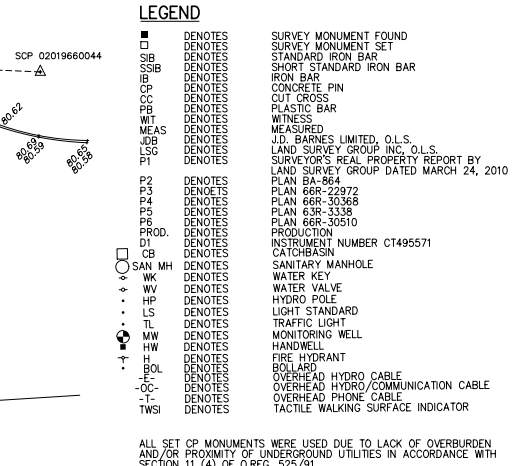
LAMB BERKELEY CORP.

ISSUED FOR REZONING	2021.11.01
REISSUED FOR REZONING	2023.03.17
ISSUED FOR RZ+SPA	2023.07.25
ISSUED FOR RZ+SPA	2023.11.14
ISSUED FOR RZ+SPA	2024.03.05
ISSUED FOR SETTLEMENT	2024.06.14
ISSUED FOR SETTLEMENT	2024.06.27



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2 PEDESTRIAN VIEW LOOKING NORTH-WEST
A-0.2



1 AERIAL VIEW LOOKING NORTH-WEST
A-0.2

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ONTARIO ASSOCIATION
OF
ARCHITECTS
Professional
Licence
34272

Berkeley King Lamb Berkeley Corp.

300 King Street East .
Toronto . ON . M5A 1K4

Renderings

Scale:
Project No: 22025
27 June 2024

The Toronto Green Standard Version 4.0 Statistics Template is submitted with Site Plan Control Applications and stand-alone Zoning Bylaw Amendment applications. Complete the table and copy it directly onto the Site Plan submitted as part of the application.

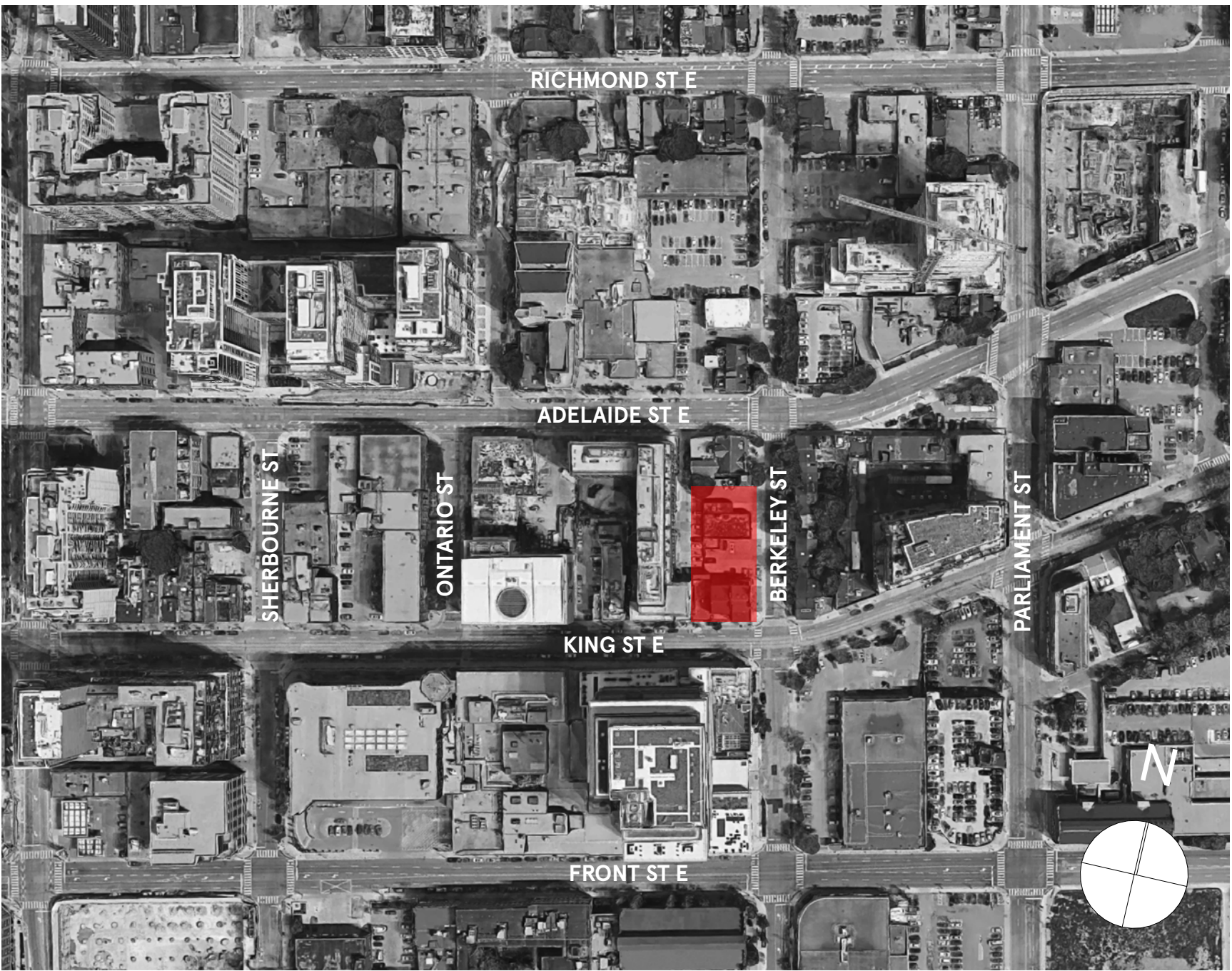
For Zoning Bylaw Amendment applications: complete General Project Description and Section 1.
For Site Plan Control applications: complete General Project Description, Section 1 and Section 2.
For further information, please visit www.toronto.ca/greendevlopment

General Project Description	Proposed
Total Gross Floor Area	28,493
Breakdown of project components (sq. ft.)	
Residential	27,831
Retail	663
Commercial	
Industrial	
Institutional/Other	
Total number of residential units	478

Section 1: For Stand Alone Zoning Bylaw Amendment Applications and Site Plan Control Applications

Low Emissions Transportation	Required	Proposed	Proposed %
Number of Parking Spaces		44	
Number of EV Parking Spaces (Residential)		44	100
Number of EV Parking Spaces (non-residential)			

Cycling infrastructure	Required	Proposed	Proposed %
Number of long-term bicycle parking spaces (all-uses)	431	432	100
Number of long-term bicycle parking located on:			
a) first storey of building			
b) second storey of building			
c) first level below-ground		400	92%
d) second level below-ground		32	8%
e) other levels below-ground		0	0



NOT TO SCALE

300 KING + BERKELEY

2024-06-14

GFA based on Bylaw 569-2013

Floor Area												Parking								Residential Units										Combinaible Units			
Level	Total Levels	Ht / Fir	Total Ht (M)	GCA / Level	Total Floor Area	Interior Residential Amenity	Exterior Residential Amenity	GFA Deductions	Total Residential GFA	Commercial GFA	Total GFA	Resident Vehicle Parking	EVSE Space	Visitor Vehicle Parking	Car-Share Vehicular Parking	Short-Term Bike Parking	Long-Term Bike Parking	E-Bike Parking	\$ per level	S total	1b per level	1b total	2b per level	2b total	3b per level	3b total	Total Units	2b or 3b					
P4/P5	2	2.75		848	1,696			1,696	0		0	22	22	0		0	0	0															
P3	1	2.75		848	848			848	0		0	11	11	0		0	0	0															
P2	1	2.75		848	848			848	0		0	11	11	0		0	32	0															
P1	1	4.00		946	946			895	51		51	0	0	0		62	400	65															
Subtotal Below Grade					4,338			4,288	51		51																						
																34																	
Ground	1	4.00	4.00	1,162	1,162	0	0	152	348	663	1,010																						
Mezzanine	1	4.00	4.00	804	804	36	0	61	707	0	707																						
Level 2	1	4.00	4.00	946	946	543	85	45	358	0	358																						
Level 3	1	4.50	4.50	517	517	377	139	45	95	0	95																						
Levels 4-5	2	2.95	6.85	512	1,024	0	0	90	934	0	934																						
Levels 6, 7, 8, 9	4	2.95	13.00	570	2,282	0	0	180	2,102	0	2,102																4						
Levels 10, 11, 12	3	2.95	8.25	624	1,872	0	0	135	1,737	0	1,737																						
Levels 13-41 (Tower)	29	2.95	87.95	678	19,672	0	0	1,304	18,368	0	18,368																38						
Levels 42-45 (Upper Tower)	4	3.25	13.20	678	2,713	0	0	180	2,534	0	2,534																						
Level 46 (Penthouse)	1	3.95	3.95	633	633	0	0	45	588	0	588																						
Mechanical	1	7.50	7.50	538	538	0	0	528	10		10																						
Subtotal Above Grade	46		158.20		32,163	956	224	2,765	27,780	663	28,442																						
Totals		46		158.20		36,502	956	224	7,053	27,831	663	28,493	44	44	0	0	96	432	65		36		296		97		49	478	42				
												SF								7.5%										61.9%	20.3%	10.3%	9.6%

Floor Area Summary		
	Provided	Req/Per.
Site Area	1,386	
Total Residential Units	478	
Res GFA	27,831	
Commercial GFA	663	
Total GFA	28,493	
Interior Residential Amenity	956	956
Exterior Residential Amenity	224	478
Total Residential Amenity	1,180	3,585
FSI	20.56	

Vehicular Parking Summary		
Vehicular Parking	Provided	Req/Per.
Resident Vehicle Parking	44	0
Visitor Vehicle Parking	0	0
Totals	44	
EVSE Spaces (included in parking counts)	44	44

Bike Parking Summary		
Bike Parking	Provided	Req/Per.
Long-Term Bike Parking	432	431
Short-Term Bike Parking	96	96
Long-Term E Bike Parking (included in Long Term)	65	65
Totals	528	527

Solid Waste Collection Requirements					
First 50 Units	25	sm	1	25	
Additional 50 Units	13	sm	8.6	111.3	
Total Garbage Rm Area				136.3	sm
				1467	sqft
Uncompacted Waste	10	sm	1	10	

Provided

138

15.13

1 PROJECT STATISTICS

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**Berkeley King
Lamb Berkeley Corp.**

300 King Street East .
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Statistics

Scale:

Project No: 22025

27 June 2024

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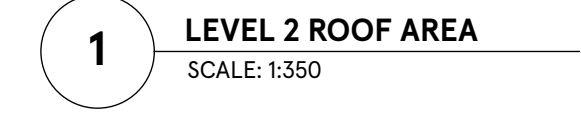
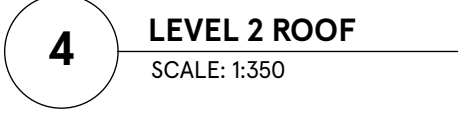
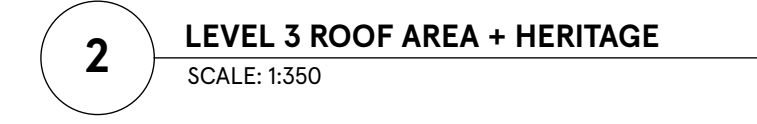
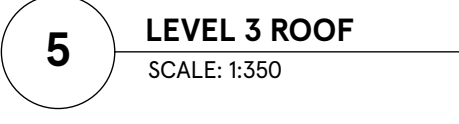
Context Plan

Scale: 1:1000

Project No: 22025

27 June 2024

Green Roof Statistics		
		Proposed
Gross Floor Area, as defined in Green Roof Bylaw (m ²)		36,502
Total Roof Area (m ²)		1,388.92
Area of Residential Private Terraces (m ²)		0
Rooftop Outdoor Amenity Space, if in a Residential Building (m ²)		223.6
Heritage (m ²) or Area of Heritage Roof		266.73
Tower (s)Roof Area with floor plate less than 750 m ²		677.92
Total Available Roof Space (m ²)		220.67
Green Roof Coverage		Required
Coverage of Available Roof Space (m ²)		132
Coverage of Available Roof Space (%)		60%
		341.52
		154%



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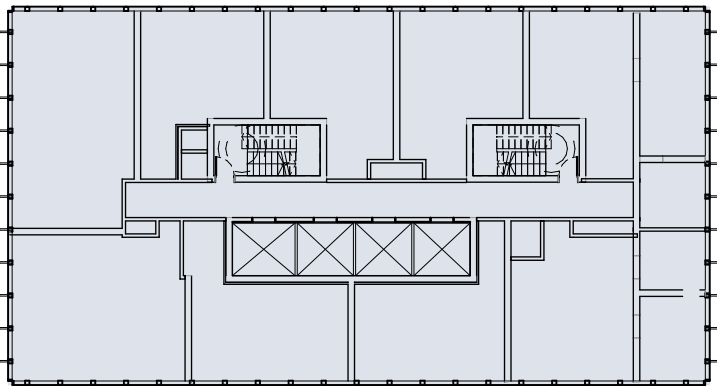


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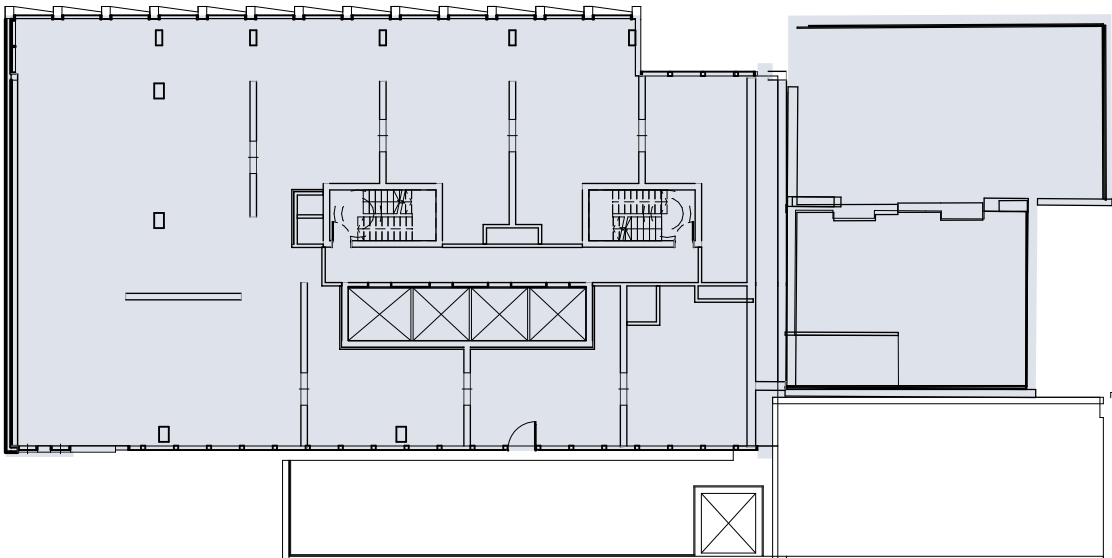
Green Roof Calculations

27 June 2024

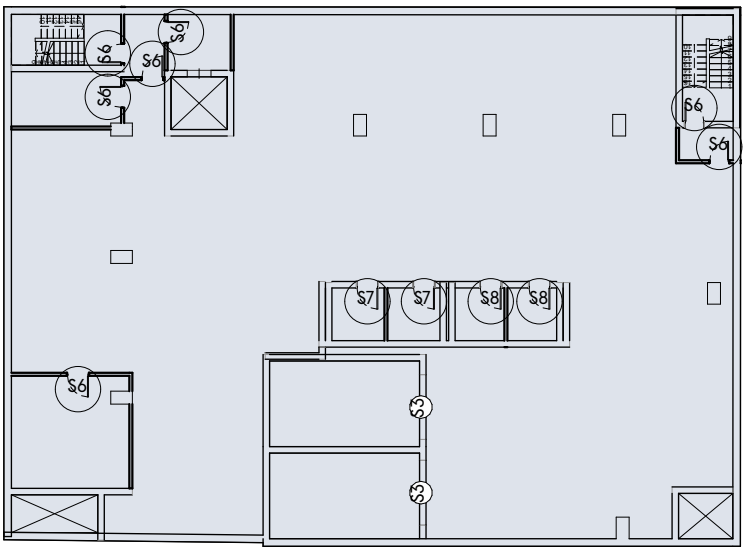
A-0.5



9 **Level 7**
SCALE: 1:350



Level 2
SCALE: 1:350



1 **P4-P2**
SCALE: 1:350

GCA BY FLOOR	
FLOOR	GROSS CONSTRUCTION AREA
P5	847.84
P4	847.84
P3	848.11
P2	848.11
P1	946.21
Ground	1,162.49
Mezzanine	804.21
Level 2	946.42
Level 3	516.77
Level 4	511.80
Level 5	511.80
Level 6	570.42
Level 7	570.42
Level 8	570.42
Level 9	570.42
Level 10	623.98
Level 11	623.98
Level 12	623.98
Level 13	678.36
Level 14	678.36
Level 15	678.36
Level 16	678.36
Level 17	678.36
Level 18	678.36
Level 19	678.36
Level 20	678.36
Level 21	678.36
Level 22	678.36
Level 23	678.36
Level 24	678.36
Level 25	678.36
Level 26	678.36
Level 27	678.36
Level 28	678.36
Level 29	678.36
Level 30	678.36
Level 31	678.36
Level 32	678.36
Level 33	678.36
Level 34	678.36
Level 35	678.36
Level 36	678.36
Level 37	678.36
Level 38	678.36
Level 39	678.36
Level 40	678.36
Level 41	678.36
Level 42	678.36
Level 43	678.36
Level 44	678.36
Level 45	678.36
Level 46	632.98
MPH	537.55
	36,501.63 m²

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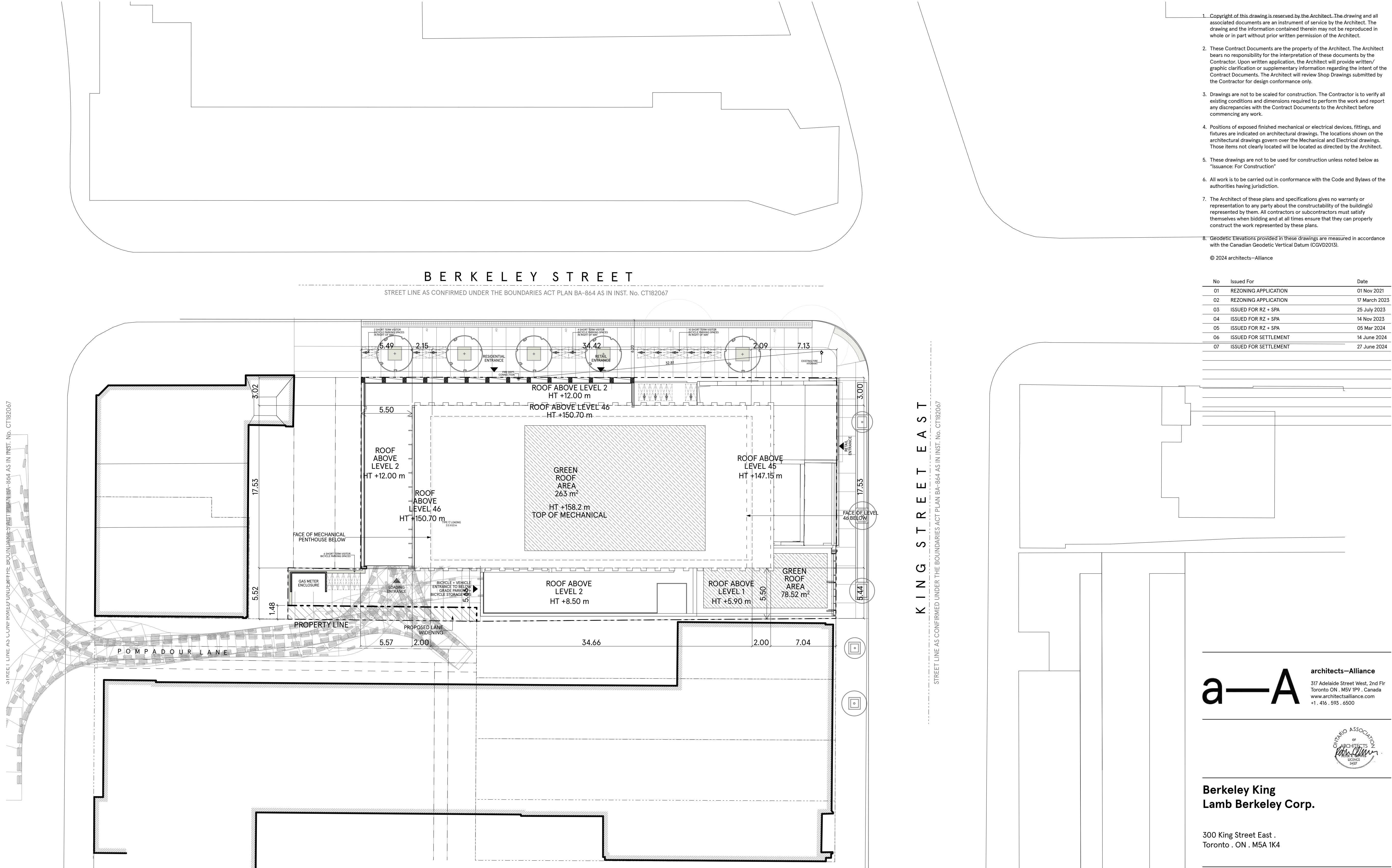
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GCA Calculations

Scale: 1:350

Project No: 220225

27 June 2024



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02	REZONING APPLICATION	17 March 2023
03	ISSUED FOR RZ + SPA	25 July 2023
04	ISSUED FOR RZ + SPA	14 Nov 2023
05	ISSUED FOR RZ + SPA	05 Mar 2024
06	ISSUED FOR SETTLEMENT	14 June 2024
07	ISSUED FOR SETTLEMENT	27 June 2024

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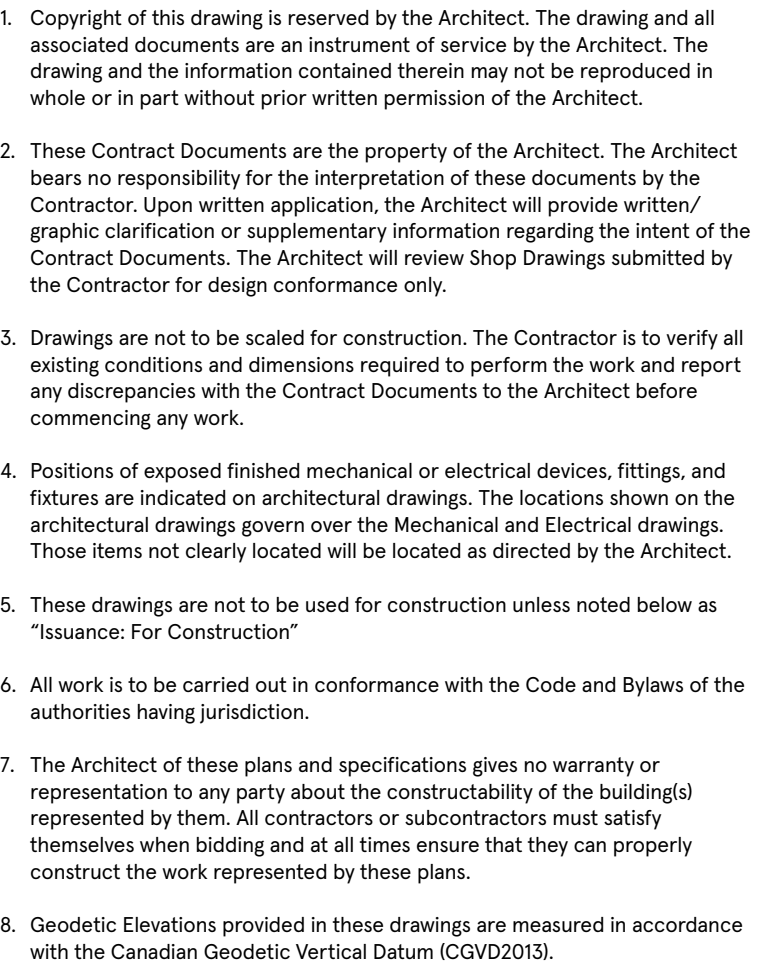
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Site Plan

Scale: 1:200

Project No: 22025

27 June 2024



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300 King Street East .
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P5-P4 Plan

Scale: 1:100

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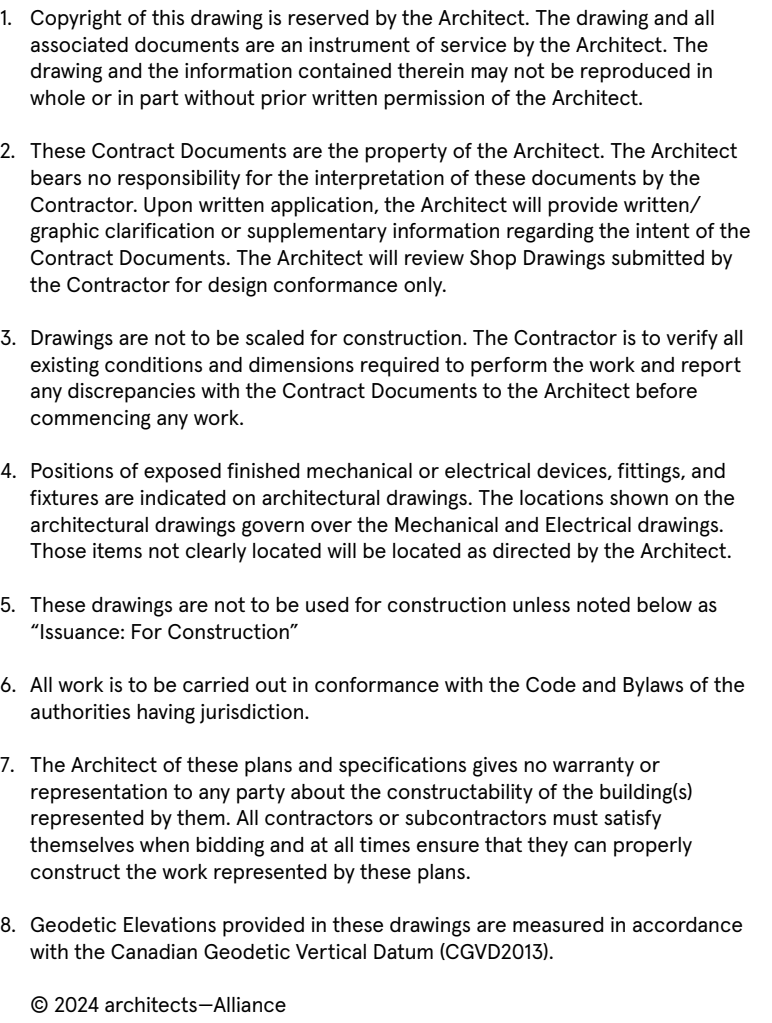
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P3 Plan

Scale: 1:100

Project No: 22025

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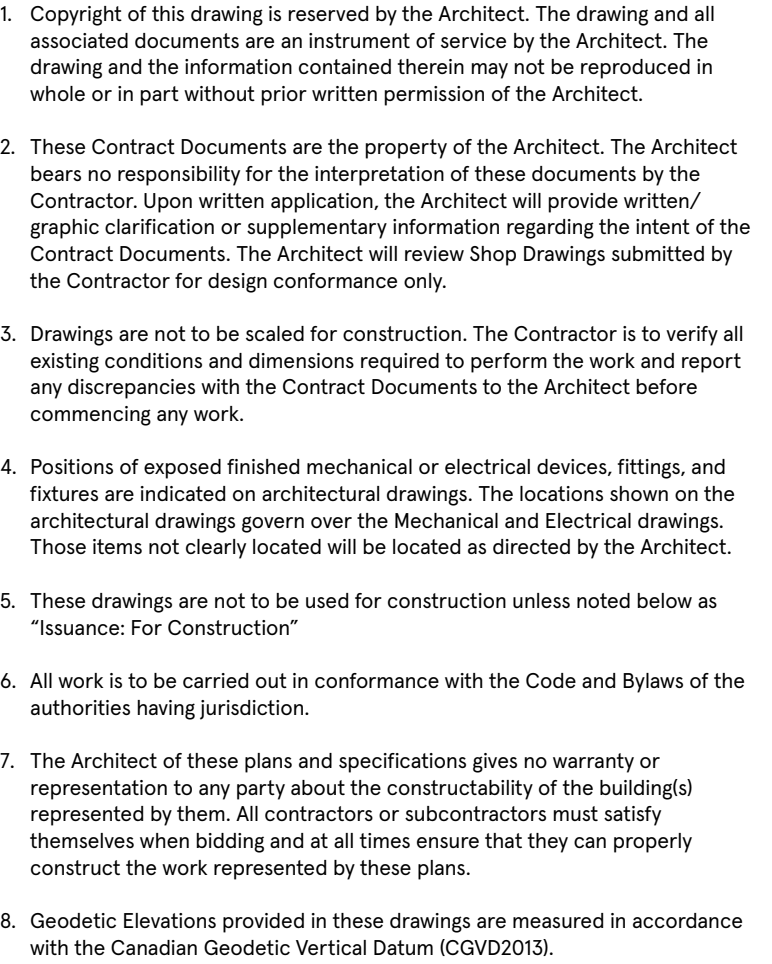
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P2 Plan

Scale: 1:100

Project No: 22025

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P1 Plan

Scale: 1:100

Project No: 22025

27 June 2024



1. A trained on-site staff will be available to manoeuvre bins to the collection driver and act as a flagman to ensure the bins are moved from the loading space. In the event the on-site staff is unavailable at the time the collection vehicle arrives on site, the collection site officer must ensure the bins are moved into their next scheduled collection location.
2. Type 1 Gloading space is level (+/-2%), and is constructed of a minimum of 200 mm reinforced concrete and has an unobstructed vertical clearance of 6.1 metres.
3. A staging pad abutting the front of the Type 1 Gloading space is constructed of 200mm reinforced concrete, have a grade of no more than 2% and has an unobstructed vertical clearance of 6.1 metres.
4. All access driveways to be used by the collection vehicle will be level (+/-8%), have a minimum vertical clearance of 4.4 metres and be constructed of concrete. The minimum width and 6 metres wide at point of ingress and egress.
5. All overhead doors the collection vehicle will be passing through have a minimum width of 4 metres and a minimum overhead clearance of 4.4 metres.
6. The non-residential component will only schedule use of the Type 1 Gloading space on different days from the collection days of the residential component to ensure that the Type 1 Gloading space will be vacant for City Waste Collection.

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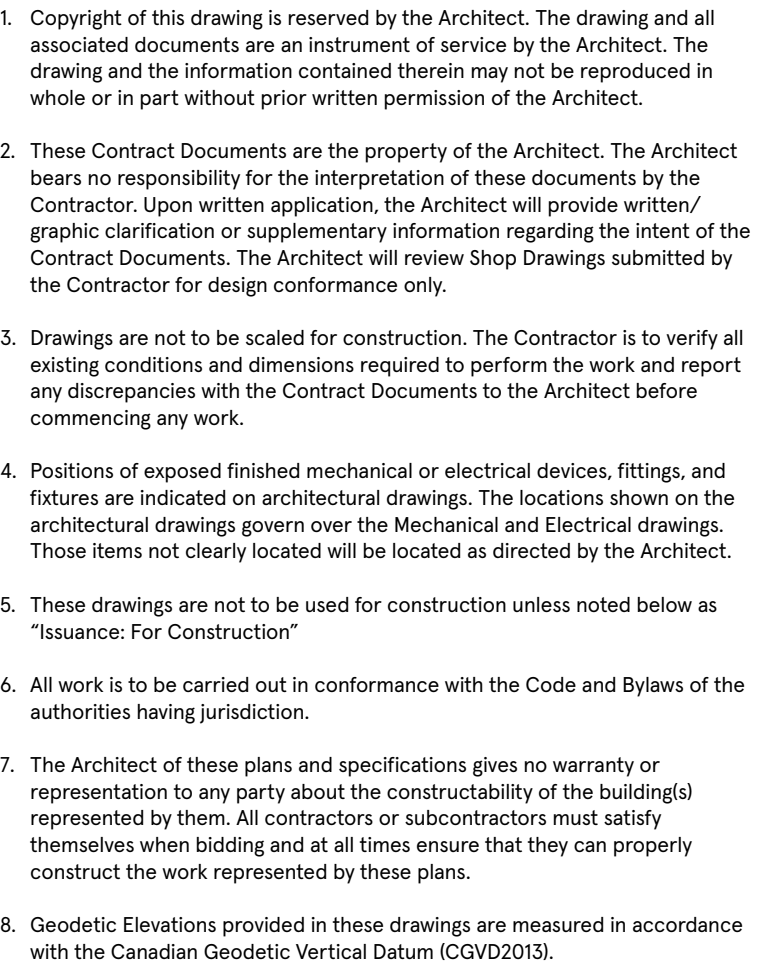
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Ground Floor Plan

Scale: 1:100

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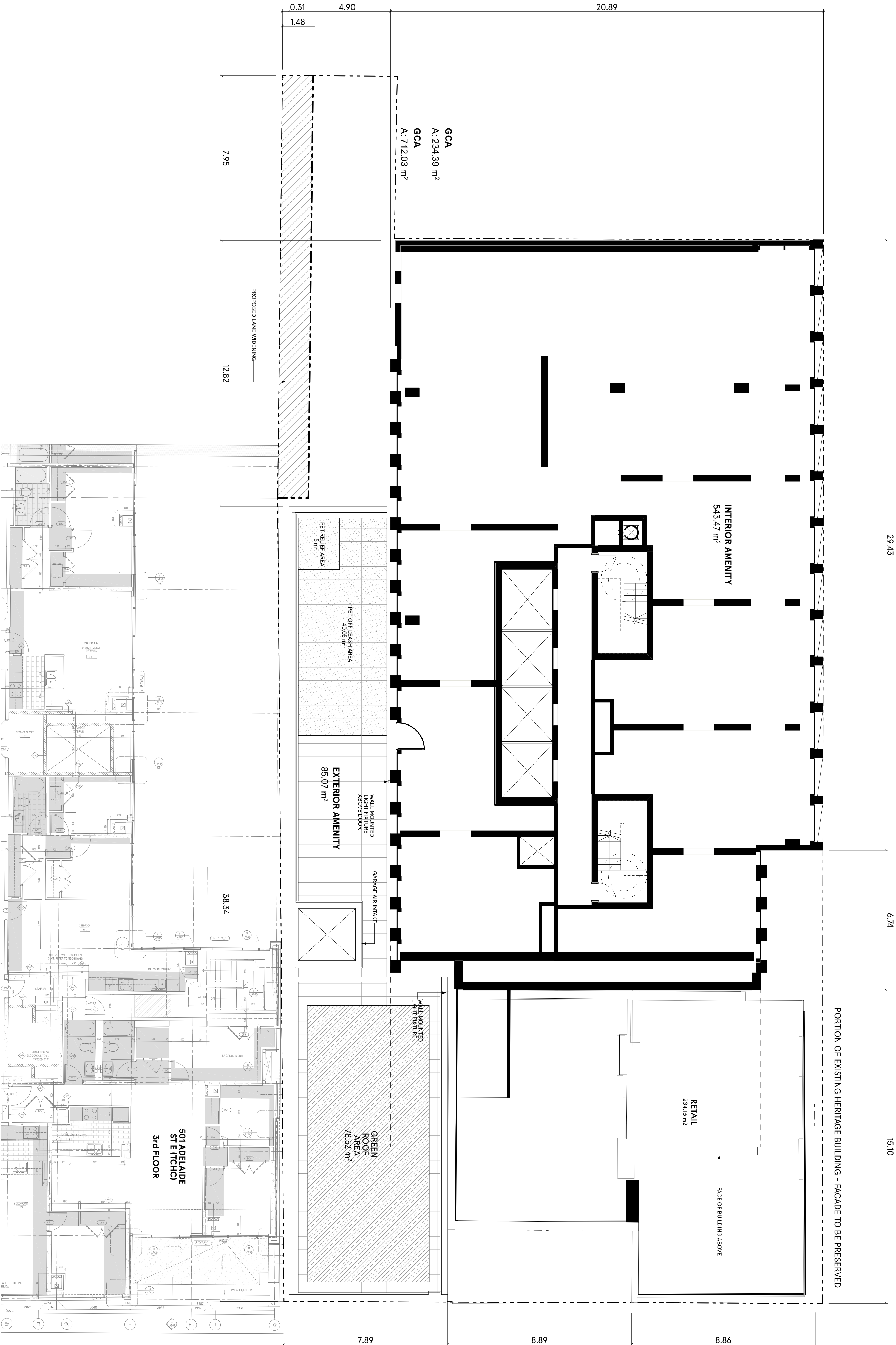
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Mezzanine Floor Plan

Scale: 1:100

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Level 2 Plan

Scale: 1:100

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