

Stikeman Elliott

Stikeman Elliott LLP
Barristers & Solicitors
5300 Commerce Court West
199 Bay Street
Toronto, ON Canada M5L 1B9

Main: 416 869 5500
Fax: 416 947 0866
www.stikeman.com

Calvin Lantz
Direct: +1 416 869 5669
clantz@stikeman.com

October 28, 2024
File No.: 146352.1001

Without Prejudice
By E-mail

City of Toronto
Legal Services
Metro Hall
55 John Street, 26th Floor
Toronto, ON M5V 3C6
Attention: Mr. Ray Kallio

Dear Mr. Kallio:

Re: OLT Case No. OLT-23-000818
3374 Keele Street, Toronto
Without Prejudice Settlement Offer

We are counsel to 1240967 Ontario Inc. and Assessment Appeals Inc., the owner of the property municipally known as 3374 Keele Street in the City of Toronto (the "**City**"), with a total area of 2,526 square metres located near the intersection of Keele Street and Sheppard Avenue West (the "**Property**").

Our client filed the appeal of the Zoning By-law Amendment application, which is currently proceeding before the Ontario Land Tribunal (the "**Tribunal**") under OLT Case No. OLT-23-000818, with a ten (10) day hearing scheduled to commence on March 10, 2025 (the "**Appeal**").

In March 2022, MHBC Planning resubmitted its application for a Zoning By-law Amendment and amended its application from a 12-storey residential development with 158 dwelling units to a 29-storey residential development with 296 units and a podium design (the "**Revised Application**"). The Revised Application provides for an appropriate built form given the size and location of the site, is well-served by existing transit, and is responsive to the mandates and initiatives set out in the City of Toronto's Official Plan and the Canada Mortgage and Housing Corporation, which includes providing new homes with a diverse unit mix in the Mixed Use Areas of the City.

Overall, the Revised Application provides for a contextually appropriate development in terms of land use planning, built form and urban design considerations. It respects and reinforces the existing planning context of the area, and appropriately responds to the policy changes following the initial submission, and the comments received from City staff.

Our client and its consultant team have made a concerted effort to address the issues raised by City staff. The proposal set out in the Settlement Offer represents a comprehensive response to City staff's concerns and seeks to resolve the Appeals on the following terms (the "**Settlement Offer**"):

1. The applicant shall revise, and the City shall support, the development proposal for the Property substantially in accordance with the enclosed drawings, prepared by KIRKOR Architects and Planners, dated September 26, 2024 and further revised on October 22, 2024, enclosed herewith (the "**Revised Drawings**"), and the particulars of the development proposal as provided in

Paragraphs 2 to 9 herein (together with the Revised Drawings, the “**Revised Development Proposal**”), reflecting a 29-storey residential development with 299 units and a podium design;

2. The tower portion of the building will be set back from the north, west and south property lines above the podium level by a minimum of 12.5 metres and by 6.0 metres from the east property line, which shall also be set out in the Site Specific Exception in the Zoning By-law;
3. The podium portion of the building will be setback from the south and west property lines by a minimum of 6 metres, by 1.50 metres from the north property line and by 3 metres from the east property line, which shall also be set out in the Site Specific Exception in the Zoning By-law;
4. The maximum height of the building, including the mechanical penthouse roof is 97.5 metres;
5. The tower will have a maximum floor plate size of 750 m² above the 7 storey podium, up to and inclusive of the 29th storey;
6. The relocation of the driveway from the northern portion of the Property to the southern portion of the Property. The south curb will be located 7 metres from the property line as shown on drawing CP-01 prepared by BA Group, dated September 17, 2024;
7. The visitor parking spaces previously at grade were relocated below grade and the pick-up/drop-off layby has been revised to provide three (3) pick-up/drop-off spaces;
8. The development will a minimum parking ratio of 0.40 spaces per residential unit and 0.09 spaces per visitor unit. Accessible parking will be provided at a rate of five designated spaces, plus one additional accessible space for every fifty (50) parking spaces, or part thereof, exceeding one-hundred (100) spaces;
9. The development will provide appropriate screening surrounding the transformer with a landscape screen;
10. A Transportation Impact, Parking and Loading Study and Driveway Operations Review demonstrating the driveway location on the southern portion of the Property have been provided and transportation impacts, parking and loading have been deemed acceptable by City staff;
11. The owner will provide a Pedestrian Level Wind Study demonstrating that the development can achieve comfortable wind conditions and that any necessary modifications to achieve pedestrian comfort are implemented and secured in the Zoning By-law and/or Site Plan process, all to the satisfaction of the Chief Planner;
12. 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. Should it be determined that upgrades are required to the infrastructure to support the development according to the accepted Functional Servicing and Stormwater Management Report, 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

13. In the event City Council accepts this Settlement Offer, the owner agrees to request that the Ontario Land Tribunal withhold the issuance of any final Order(s) until such time as the Ontario Land Tribunal has been advised by the City Solicitor that:

a. The final form and content of the Zoning By-law Amendment is satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor.

Enclosed herewith are the following materials in support of this Settlement Offer:

1. The revised architectural drawings prepared by Kirkor Architects dated September 26, 2024 and revised on October 22, 2024, which includes:
 - a. the site plan, ground floor plan, podium floor plans and tower floor plans;
 - b. the elevation drawings;
 - c. the massing and elevation; and
 - d. the shadow study.

We appreciate City staff's efforts in working with our client through the mediation process to address and resolve the issues related to the proposed development. We are hopeful that with the changes made through the Revised Development Proposal, the Appeal can proceed to a negotiated resolution.

We trust that you will forward the terms of this "without prejudice" Settlement Offer for City Council's review and consideration at its meeting commencing November 13, 2024.

Please contact the undersigned if you wish to discuss further. We look forward to receiving City Council's support for our Settlement Offer.

Yours truly,



Calvin Lantz

CL/dy

Enclosures

cc. Donya Yarahmadi, *Stikeman Elliott LLP*
Client