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**WITHOUT PREJUDICE**

November 29, 2024

**VIA EMAIL**

Mayor Olivia Chow and Members of City Council  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Sarah O'Connor, Solicitor, Planning and Administrative Tribunal Law**

Your Worship and Members of City Council:

**RE: 4001 Steeles Avenue West, 5000 Jane Street and 360 Hullmar Drive  
Offer to Settle Ontario Land Tribunal Case Nos. OLT-23-000200 & OLT-23-000201  
Zoning By-law Amendment Application (City File No. 22 140023 WET 07 OZ)  
Site Plan Approval Application (City File No. 22 140022 WET 07 SA)**

We are the lawyers for NHD Developments Limited ("**NHD**"), being the owner of the lands municipally known as 4001 Steeles Avenue West, 5000 Jane Street and 360 Hullmar Drive (the "**Site**").

This letter constitutes our client's offer to settle the above-noted appeals currently before the Ontario Land Tribunal (the "**Tribunal**" or "**OLT**").

**BACKGROUND**

On April 28, 2022, our client submitted applications for a Zoning By-law Amendment and Site Plan Approval (together, the "**Applications**") to facilitate the redevelopment of the Site with two residential buildings consisting of two 45-storey residential towers connected by an 8-storey podium on the northeast corner of the Site ("**Building A**"), and a 35-storey residential tower to the south ("**Building B**") (collectively, the "**Original Proposal**"). The Applications were deemed complete on May 30, 2022.

NHD subsequently appealed the Applications to the Tribunal on March 13, 2023 on the basis of City Council's failure to make a decision within the statutory timeframe (the "**Appeals**"). Since that time, our client and the City have continued discussions in an attempt to resolve the Appeals.

**SITE DESCRIPTION & PLANNING CONTEXT**

The Site is located at the southwest corner of the Steeles Avenue West and Jane Street intersection and along the northern limit of the City's municipal boundary. The Site is approximately 10.21 acres (4.13 hectares) in size, with frontages of approximately 245 metres along Steeles Avenue West, 185 metres along Jane Street and 262 metres along Hullmar Drive. The net developable area for the Site is approximately 2.62 acres (1.07 hectares). The Site is currently improved with two rental apartment buildings of 17 and 14-storeys and their associated surface and underground parking lots, as well as a 2-storey commercial plaza containing retail and service uses.

The Site sits across from employment and commercial/industrial buildings to the north across Steeles Avenue West, Black Creek Pioneer Village to the east, a 2-storey townhouse development to the west, and a low-rise neighbourhood to the south comprised of 2-storey townhouses and 1 to 2-storey single detached and semi-detached dwellings. The low-rise neighbourhoods to the west and the south are physically separated from the portion of the Site proposed for development by the existing apartment buildings and their associated parking lots.

The Site is well served by existing public and higher order transit. Several Toronto Transit Commission (TTC) and York Region Transit (YRT) routes serve the Steeles-Jane intersection immediately adjacent to the Site, with connections to the Highway 407 and Pioneer Village subway stations. The surrounding area is also served by regional GO Transit networks located adjacent to the Highway 407 subway station. Although not within either the Highway 407 Subway Station Protected Major Transit Station Area (“**PMTSA**”) (Vaughan) or the Pioneer Village Subway Station PMTSA (Toronto), the Site is the next property over or in close proximity to each of these PMTSAs and is less than approximately 880 metres from the Pioneer Village subway station and approximately 840 metres from the Highway 407 subway station at the closest point of the Site.

The Site is currently zoned *Residential Apartment Commercial (RAC) (f30.0; a1375; d1.5)(x126)* under City-wide Zoning By-law 569-2013 and *RM6 – Multiple Family Dwelling Sixth Density Zone* under the former City of North York Zoning By-law 7625. The zoning permits residential apartment buildings and a limited range of non-residential uses.

## SETTLEMENT PROPOSAL

NHD is offering to settle the Appeals through revisions to the Original Proposal substantially in accordance with, and as demonstrated on, the enclosed architectural plans and drawings prepared by Graziani + Corazza Architects dated September 11, 2024 (the “**Settlement Proposal**”).

The Settlement Proposal will permit the redevelopment of the Site in accordance with the following principles:

1. Building A will contain two residential towers connected by an 8-storey podium, with heights of 37-storeys (“**Tower A1**”) and 42-storeys (“**Tower A2**”) and floorplates of 800 square meters. Building B will contain a 27-storey residential tower with an 8-storey podium and an 800 square metre floorplate (“**Tower B**”). Tower A2 will be located at the northeastern most point of the Site, at the intersection of Jane Street and Steeles Avenue West. The proposed development will contain approximately 1400 residential units resulting in a gross floor area of approximately 95,500 square metres and a gross density of approximately 3.9 times the area of the Site, inclusive of the existing apartment buildings and commercial plaza.
2. A residential unit mix of at least 10% three-bedroom units and 15% two-bedroom units will be provided, consistent with the provisions contained in the City’s Growing Up Guidelines.
3. Although the plans accompanying the Settlement Proposal currently show three levels of underground parking serving the new buildings (comprised of approximately 702 parking spaces, including approximately 71 visitor parking spaces and approximately 1038 bicycle parking spaces), the applicable parking ratios for both the new and existing buildings will be based on the City’s current minimum zoning by-law requirements.

4. A portion of the existing underground garage and ramp on the southeast corner of the Site will be removed to facilitate the construction and conveyance of a 1,121 square metre public park, with a minimum unencumbered area equivalent to 10.4% of the Net Development Area (the “**Proposed Park**”). NHD has committed to removing a portion of the underground parking garage that is currently within the Proposed Park such that the entirety of the Proposed Park will be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, and in acceptable environmental condition in accordance with the City’s [Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the Planning Act](#). The Proposed Park will be conveyed in Base Park condition, at NHD’s expense, to satisfy the parkland dedication requirements for this proposed development. Furthermore, NHD is prepared to complete the Above Base Park Improvements to the public park in exchange for a Development Charge credit.

We note that an existing Bell easement is located south of the Proposed Park, at the northwest corner of Jane Street and Hullmar Drive (the “**Easement**”). The area of the Easement combined with the area of the lands to the east of the Easement to Jane Street constitute 79 square metres (the “**Excluded Area**”). The Excluded Area is proposed to remain in the ownership of NHD, however the potential for the conveyance of this 79 square metres of land to the City as part of the City’s right of way shall continue to be explored through discussions with City Staff as part of the Site Plan Control process.

Although the plans and drawings submitted with the Settlement Proposal include the Excluded Area within a larger proposed park (see for example Drawing A102), we have also attached a sketch that re-dimensions the Proposed Park with the Excluded Area taken out. As reflected below, it is NHD’s intention to provide an updated set of drawings reflecting this in due course.

5. Additional surface parking located on the northwestern corner of the Site will be removed to facilitate the construction of a Privately-Owned Publicly Accessible Space (“**POPS**”) consisting of an approximately 625 square metre landscaped open space and a minimum 6.6-metre-wide mid-block pedestrian connection between Steeles Avenue West and Hullmar Drive along the western edge of the Site. A portion of the POPS will contain full soil depths and may be programmed with replacement tree plantings.
6. Through the Site Plan Approval process, NHD commits to working with City Staff to improve the design of the spaces along the Site’s edges. Specifically, staff will explore enhanced design opportunities for a public realm feature at the southwest corner of the intersection of Jane Street and Steeles Avenue West, a major gateway into the City of Toronto, and locate programed outdoor amenity areas supporting the new development away from active street frontages.
7. Subject to receipt and review of an acceptable Transportation Impact Study, to the satisfaction of the General Manager, Transportation Services, the Site will have access via (i) the existing full moves driveway from Steeles Avenue West, which will be maintained in its current location, and (ii) a new secondary driveway from Jane Street with right-in right-out movements. The City will agree to lift any 0.3 metre reserves for approved access driveways that may be in effect for the existing driveway from Steeles (notwithstanding its long existing use) and the new driveway from Jane Street, subject to any necessary review and approval by Transportation Services in coordination with Surveys and Mapping.

8. Improvements to the existing residential apartment buildings are proposed as part of this Settlement Offer, to be confirmed in consultation with City Staff and tenants, including:
  - a. Enclosing and/or screening existing garbage/recycling collection areas associated with the existing buildings.
  - b. Providing bicycle storage for existing tenants within available areas of the existing buildings on the basement level.
  - c. Providing storage for lockers for existing tenants within available areas of the existing buildings on the basement level.
  - d. Providing outdoor amenity areas for existing buildings and improving the landscape design and programming of the central courtyard. Certain of these areas would be exclusive to existing tenants on the Site and will be designed in consultation with those tenants and secured through the final Site Plan Agreement and final Landscape Plan(s).
  - e. Providing playground equipment for use by the existing tenants.
  - f. Providing access to a component of the indoor amenity area at the ground level within the new development.
  - g. Lobby and interior improvements (for example: new furnishings, repainting, more/improved seating, improved lighting, new flooring/carpets).
  - h. Accessibility improvements (for example: wheelchair accessible ramps in the hall between the basement parking garage and elevators, signage next to the existing lobby entrance ramps to prevent cars from blocking the ramps, the provision of accessible parking as part of the development, and automatic opening doors on principle points of access to the existing buildings with key-card access to ensure both accessibility and security).
  - i. Developing a Construction Mitigation and Tenant Communication Plan (to the satisfaction of the Chief Planner) prior to the issuance of the City's Notice of Approval Conditions (NOAC) to mitigate the impacts of construction of the development on the existing tenants.
  - j. Commitment to host future meetings with tenants prior to the issuance of the City's NOAC to discuss the above items as well pertinent details of the Site Plan Control process.
  - k. Acknowledgement that the details of the tenant improvements described above and the timing for delivery of the improvements will be finalized and secured to the satisfaction of the Chief Planner and Executive Director, City Planning in appropriate agreements prior to Site Plan Approval.
  - l. Confirmation that the costs associated with the above items will not be passed through to existing tenants.
  - m. The list of improvements in items 8(a) – (l) above are subject to review and refinement with City Staff, the existing tenants, and the local Councilor's office prior to the finalization of the agreements referred to in item 8(k).

We submit that the Settlement Proposal is responsive to the City's comments on the Original Proposal and represents a desirable and appropriate form of residential intensification that optimizes the use of land on an underutilized site that is well-served by municipal infrastructure, including existing and planned higher-order public transit. The Settlement Proposal also provides for reinvestment in existing buildings on the Site for the benefit of existing tenants.

**IMPLEMENTATION**

We understand that this offer to settle will inform a Request for Direction Report from the City Solicitor to City Council and will be considered at its meeting commencing December 17, 2024. Should the Settlement Proposal be accepted by City Council, our client agrees to provide planning evidence in support of the settlement at the OLT hearing. The City and our client further agree to jointly request, in the event of the approval of the Settlement Proposal, that the Tribunal withhold its final Order for the appeal of the Zoning By-law Amendment until such time as the following conditions are satisfied:

1. 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;
2. the Owner has provided a revised Functional Servicing Report, a revised Stormwater Management Report, a revised Hydrological Report and a revised Geotechnical Study, such reports to be reviewed to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
3. the Owner has provided a revised Loading Study, a revised Traffic Operations Assessment, and a revised Transportation Impact Study, to be reviewed to the satisfaction of the General Manager, Transportation Services;
4. the Owner has provided a revised Pedestrian Level Wind Study, including a Wind Tunnel Study, such report to be reviewed with recommendations implemented as part of the amending Zoning By-laws and/or secured in a development agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning;
5. the Owner has provided an acceptable Land Use Compatibility Study, Noise Impact Study, Vibration Study and Air Quality Study, such reports to be peer reviewed by a third-party consultant on behalf of the City and at the owner's expense, with recommendations to be implemented as part of the amending Zoning By-laws and secured in a Site Plan Agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning;
6. the Owner has made satisfactory arrangements with the City and has entered into the appropriate agreements for the design and construction of any improvements to municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support the development, according to the accepted Functional Servicing Report, Stormwater Management Report, Geotechnical Report and Transportation Impact Study accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services;
7. the Owner has provided a revised Tree Preservation Plan and a revised Landscape Concept Plan to the satisfaction of the General Manager, Parks, Forestry and Recreation;
8. the Owner has provided a revised Site Plan and/or Landscape Plan identifying, among other things, the Excluded Area in relation to the parkland dedication block as the Excluded Area is to remain in NHD's ownership, to the satisfaction of the General Manager, Parks, Forestry and Recreation; and,
9. the Owner has made satisfactory arrangements and has entered into an appropriate agreement(s) with such agreement(s) to be entered into prior to Site Plan Control approval, to secure the following matters to support the development:

- a. the Owner shall continue to provide and maintain the existing 647 retained rental units as rental housing for a period of at least 20 years commencing from the date the Zoning By-law Amendment comes into force and effect, with no application for demolition or conversion from residential rental use during the 20-year period, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
- b. the Owner shall undertake the stipulated improvements to the existing rental buildings at its sole expense and at no cost to tenants, including access to a component of the indoor amenity area at the ground level within in the proposed new buildings for tenants of the existing rental buildings, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning; and
- c. the Owner shall develop and implement a Construction Mitigation and Tenant Communication Plan, all to the satisfaction of the Chief Planner and Executive Director, City Planning.

In submitting this offer to the City in advance of the OLT hearing, we have released the dates for the hearing scheduled for November 12 - 27, 2024 and have agreed with City Legal to request the rescheduling of the hearing for 7 days beginning May 6, 2025.

In the event that this Settlement Proposal is accepted by City Council at its meeting commencing December 17, 2024, we have agreed with City Legal to request a date for a settlement hearing in early 2025, and further that the Spring 2025 hearing dates will be used for the hearing of the Site Plan appeal and/or to address matters related to the implementation conditions.

In the event that the Settlement Proposal is not accepted by City Council, we have agreed with City Legal to maintain the issues list from the November 2024 hearing for the Spring 2025 rescheduled hearing and to establish new procedural exchange dates accordingly.

In support of the Settlement Proposal, we enclose the following:

1. the Architectural Plans and Drawings prepared by Graziani + Corazza Architects Inc. dated September 11, 2024;
2. Sketch prepared by Graziani + Corazza Architects Inc. showing the Excluded Area in relation to the Proposed Park; and
3. Urban Transportation Considerations report prepared by BA Group, dated October 2024.

Should you require anything further with respect to this correspondence or the attached materials, please contact the undersigned and Justine Reyes ([jreyes@overlandllp.ca](mailto:jreyes@overlandllp.ca)).

Yours truly,

**Overland LLP**



Per: Christopher J. Tanzola  
Partner

Encl.