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April 4, 2025

File No. 311569

WITHOUT PREJUDICE AND CONFIDENTIAL

BY EMAIL - Jyoti.Zuidema@toronto.ca and Jamie.Dexter@toronto.ca

Jyoti Zuidema and Jamie Dexter
Planning and Administrative Tribunal Law (Legal Services)
City of Toronto
55 John Street
26th Floor, Metro Hall
Toronto ON M5V 3C6

Dear Ms. Zuidema and Mr. Dexter:

**Re: 1304-1318 King Street West and 143-145 Cowan Avenue, Toronto
OLT Case No. OLT-24-000906/907
Without Prejudice & Confidential Settlement Offer**

Aird & Berlis LLP represents 2600546 Ontario Inc. (our "**Client**"), the owner of lands municipally known as 1304-1318 King Street West and 143-145 Cowan Avenue, in the City of Toronto (the "**Site**").

The Site is located on the northeast corner of King Street West and Cowan Avenue, flanked by a laneway to the east and Cowan Avenue to the west. The Site is approximately 1,594 square metres in area, with approximately 41 metres of frontage along both King Street West and Cowan Avenue and is roughly square in shape. The Site is currently occupied with several ground floor commercial units, some of which are vacant. There are eight rental residential dwelling units located at 1304-1318 King Street West, and 14-17 dwelling rooms located at 145 Cowan Avenue.

Background

On October 12, 2023, our Client filed a combined Official Plan Amendment and Zoning By-law Amendment application (City File No. 23 213844 STE 04 OZ) to facilitate the redevelopment of the Site with a 21-storey mixed-use building with ground floor retail and 263 residential units (collectively, the "**Applications**"). The Applications seek to redesignate the Site from Neighbourhoods to Mixed Use Areas and to rezone the lands to Commercial Residential with site specific exceptions. A Rental Housing Demolition and Conversion application was also filed (City File No. 23 213845 STE 04 RH).

The Applications were deemed complete on February 7, 2024 and were considered by Toronto and East York Community Council on May 7, 2024. On May 23, 2024, City Council refused the amendments as

requested by the Applications. On June 24, 2024, our Client appealed the City's refusal of the Applications to the Ontario Land Tribunal ("**OLT**") (collectively, the "**Appeals**").

Despite having appealed the Applications, our Client and the City have continued to work cooperatively to scope and resolve issues, consistent with the expectations of parties to an OLT proceeding. Our Client and its consultants have regularly met with various departments at the City, which has produced multiple iterations of the proposal for review and consideration by City staff.

Settlement Proposal

This correspondence is a without prejudice full and final settlement offer to resolve the Appeals (the "**Settlement Proposal**") for which our Client is prepared to lead evidence before the OLT, which hearing is scheduled to commence on June 2, 2025.

To assist in your review, we have enclosed the following materials with this correspondence:

1. A revised massing study showing the Settlement Proposal; and
2. A comparison of the original proposal and the Settlement Proposal.

In summary, the Settlement Proposal offers the following substantive changes from the original development proposal, in response to comments from City staff:

- The building height has been reduced from 21-storeys (72.31 metres exclusive of MPH) to 18 storeys (57.0 metres exclusive of MPH).
- A reduction in GFA from approximately 16,125 square metres to approximately 14,850 square metres, resulting in a proposed density of 9.31 FSI (reduced from 10.1 FSI).
- The setback along King Street West has been increased from 2.0 metres to 3.3 metres to ensure a sidewalk zone dimension of 6.0 metres between the curb and the building face.
- The base building has been revised to include a consistent 4-storey base along King Street West and wrapping around the corner along Cowan Avenue, a 6- and 1-storey base along the rear and an 8-storey base along the east lot line.
- Above the base building, the settlement includes a 3.0-metre stepback along King Street West, a 1.5-metre stepback along Cowan Avenue., a 10.0-metre stepback along the rear and a 5.5-metre stepback from the east lot line.
- The massing along the east lot line has been modified from 6-storeys to 8-storeys.
- The overall height of the 4-storey base has been reduced from 20.01 metres to 14.2 metres; note that due to the reduction in height the townhouse units on Cowan Avenue have been removed and the ground floor of the building is no longer set back from the western property line and the existing public boulevard width from curb to property line is being maintained along Cowan Avenue (i.e. a 7 metre setback between the building face to curb is provided).

- The rear yard setback has been reduced from 5.5 metres to 2.5 metres for the 6-storey and 1-storey portions of the building, with a driveway located underneath the overbuild.
- Outdoor amenity space will be provided on the roof of the 1-storey element, now proposed at the northeast corner of the site.
- A restriction on projecting balconies on the east and west facades has been agreed to, together with a prohibition on “wrap around” balconies on all elevations. This does not exclude balconies along the north and south elevation of the tower.
- A restriction on projecting balconies on the south elevation of the podium (i.e., up to and including the 4th storey).
- While we are not providing the full setback along Cowan Avenue, we continue to provide an increased setback at the corner of Cowan Avenue and King Street West.

Where appropriate, the above matters will be secured in an updated version of the site-specific zoning by-law amendment; where required by the City to confirm our Client’s agreement to matters which would otherwise be secured through the site plan approval process, our Client is prepared to stipulate to those matters at the settlement hearing before the Tribunal.

Implementation of Settlement Offer

This without prejudice settlement offer is being provided at this time on the understanding that it will be the subject of an in-camera report to City Council for its meeting commencing on April 23, 2025, and that a decision from City Council on this without prejudice offer will issue from that meeting. In the event that this offer is either: (1) not considered by City Council at its meeting commencing on April 23, 2025, or (2) is refused by City Council at that meeting, it should be considered revoked.

In the event that City Council accepts this offer, it is our Client’s expectation that the City will advise the OLT and the parties to the OLT proceedings that a full settlement of our Client’s Appeals has been reached, subject to the conditions set out below.

Our Client agrees to work with the City on the final form of the instruments in advance of a final order being issued by the OLT, and agrees that any final order of the OLT will be withheld until the following conditions are addressed:

City’s List of Conditions Prior to Final Order

- a. The final form of the Official Plan and Zoning By-law Amendments are to the satisfaction of the Executive Director, Development Review, City Planning, and the City Solicitor, including any appropriate holding (H) provisions;
- b. Acceptable site and concept landscape plans have been provided to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Transportation Services for the required streetscape works along King Street West and Cowan

Avenue (including the reduction of the curb radius at the northeast corner of the intersection, in accordance with the City's Curb Radii Design Guidelines);

- c. The following TDM measures are stipulated as a condition of settlement, which the parties agree will be a condition of site plan approval. An acceptable Transportation Demand Management (TDM) plan has been submitted, to the satisfaction of the General Manager, Transportation Services, which includes the following minimum provisions:
 - i. One (1) annual car-share membership per unit, offered for the first year of occupancy;
 - ii. One (1) annual bike-share membership per unit, offered for the first year of occupancy; and
 - iii. One (1) on-site bike repair station with acceptable minimum dimensions.
- d. Any other required plans, reports and studies have been revised to the satisfaction of the Executive Director, Development Review; the Chief Engineer and Executive Director, Engineering and Construction Services; the General Manager, Transportation Services; and the General Manager, Solid Waste Management Services; with revisions, as may be necessary, implemented as part of the amending Zoning By-law, to the satisfaction of the Executive Director, Development Review; and
- e. City Council has approved Rental Housing Demolition Application 23 213845 STE 04 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006 to permit the demolition of the existing rental housing.

City's List of Conditions Prior to Permit Issuance

- a. The owner has entered into, and registered on title to the lands, one or more agreements with the City, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning, securing all rental housing-related matters necessary to implement City Council's decision including:
 - i. Replacement of the existing eight rental dwelling units, including the same number of units, bedroom type and size and with similar rents; and
 - ii. An acceptable Tenant Relocation and Assistance Plan addressing the right for existing tenants to return to a replacement rental unit on the lands at similar rents, the provision of rent gap assistance, and other assistance to lessen hardship, all to the satisfaction of the Chief Planner and Executive Director, City Planning.

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Should you have any questions or require clarification to the above, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP

A handwritten signature in blue ink, appearing to read "Eileen P.K. Costello", is written over a light blue rectangular background.

Eileen P.K. Costello
EPKC/al/nh

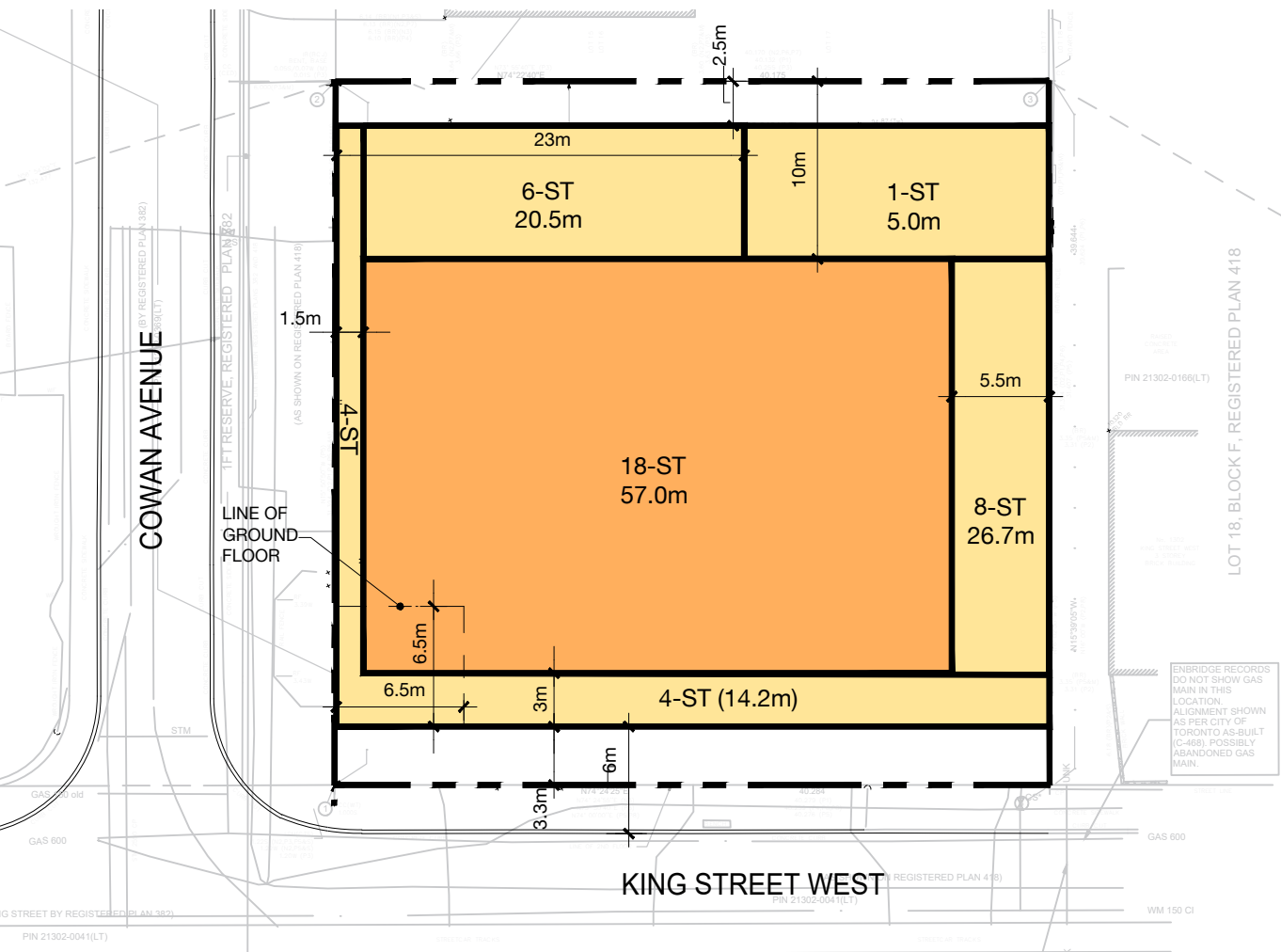
Encl.

cc: Client

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SITE PLAN

Site Plan - April 2, 2025
Proposed 18-Storeys
GFA = +/- 14,850 sm



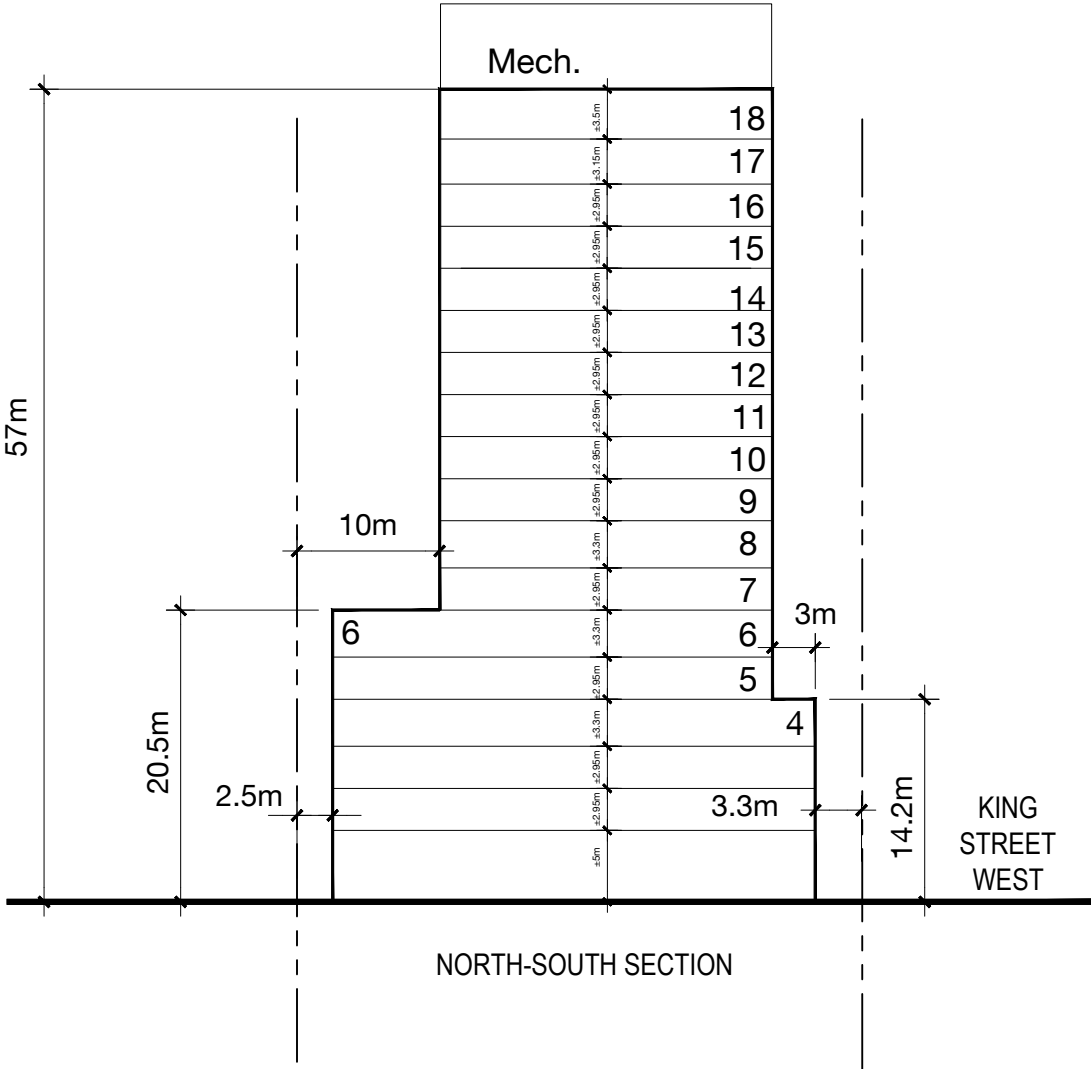
* There will be no protruding balconies on the East and West facades

Plans, dimensions, and calculations are preliminary and approximate. Conceptual design as shown is subject to municipal approvals

GFA STATISTICS AND SECTION

18	773.0
17	773.0
16	773.0
15	773.0
14	773.0
13	773.0
12	773.0
11	773.0
10	773.0
9	773.0
8	900.0
7	900.0
6	1,050.0
5	1,050.0
4	1,229.0
3	1,229.0
2	1,100.0
GR	1,150.0
Total GBA	16,338.0 sm

±GFA	14,850.1 sm
±GFA	159,845.3 sf

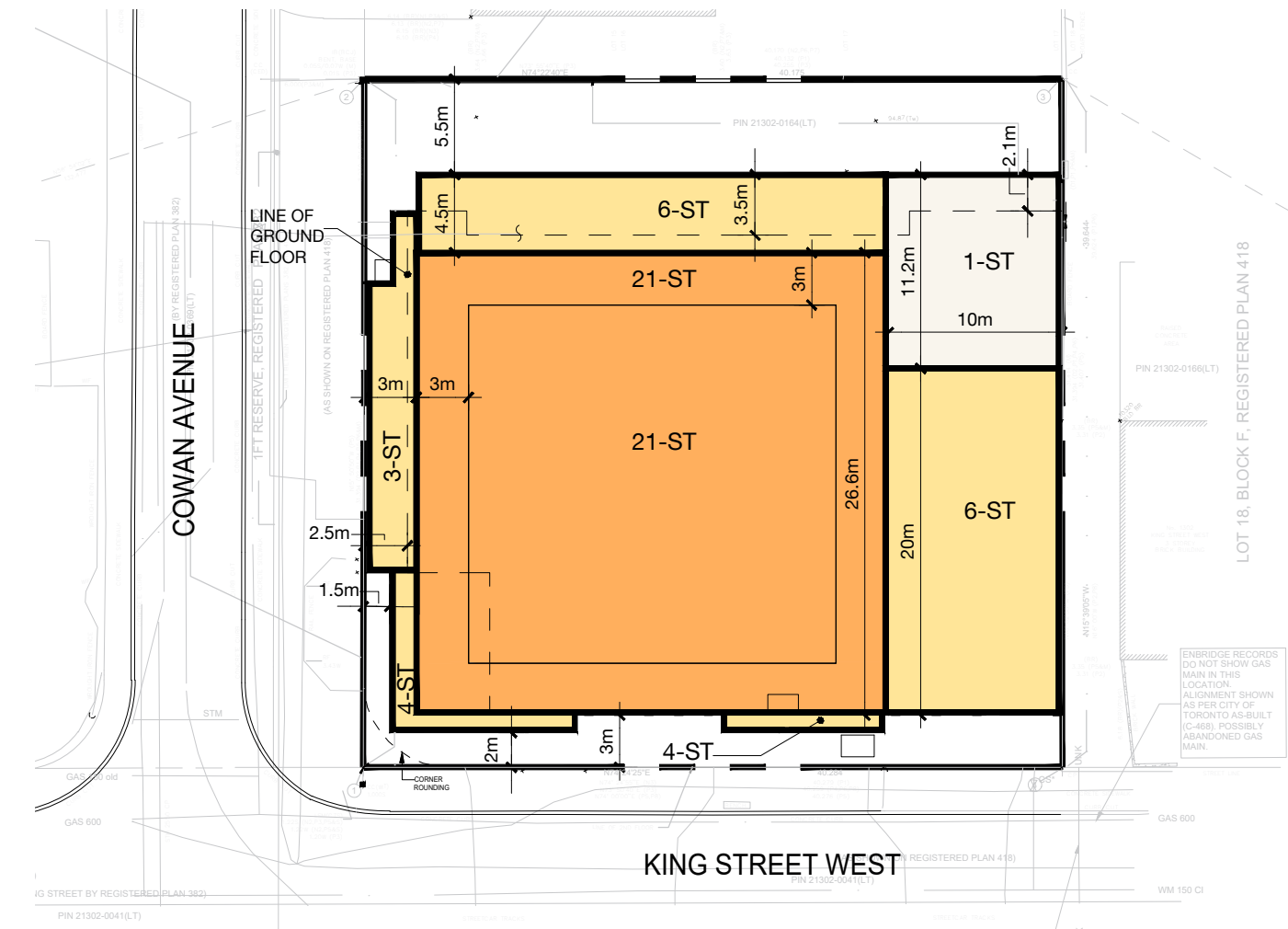


- GFA is assumed at ±90.8% of GBA. This compares with the ZBA submission calculations.
- Calculations include above grade GBA only
- 129sm Loading Bay deduction assumed for Floor 2

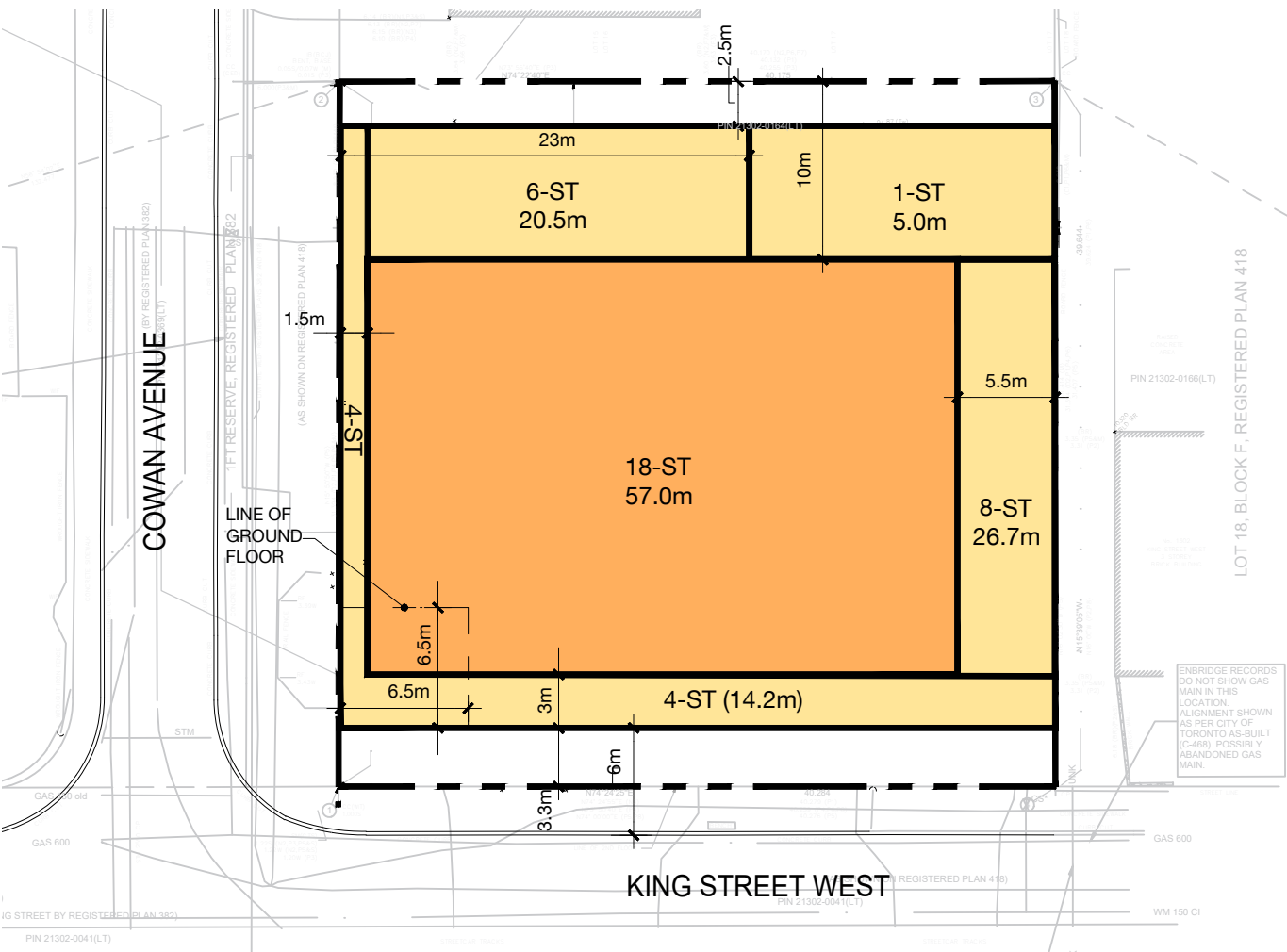
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SITE PLAN COMPARISON

Submitted for Rezoning Application - August 31, 2023
21-Storey Tower
GFA = 16,125.8 sm



Site Plan - April 2, 2025
Proposed 18-Storeys
GFA = +/- 14,850 sm



* There will be no protruding balconies on the East and West facades