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File No. 23176

January 20, 2026

WITHOUT PREJUDICE

DELIVERED VIA EMAIL

City of Toronto Legal Services
City Solicitor's Office
Metro Hall
55 John St., 26th Floor
Toronto, ON M5V 3C6

Attention: Horatio Waller/Gabe Szobel

Dear Sirs:

**Re: OLT Case No. OLT-25-000084
1799 St. Clair Avenue West
Planning Application Nos.: 21 196875 STE 09 OZ, 21 196867 STE 09 SB and 22
140038 STE 09 SA
Appeals of OPA, Rezoning, Draft Plan of Subdivision and Site Plan Approval
Applications
Without Prejudice Settlement Offer**

We are the solicitors for Sequoia Stockyards GP Inc. and Sequoia Stockyards LP, collectively the Applicant/ Appellant in the above-noted proceedings.

Further to the numerous meetings with City staff, we are pleased to provide the following settlement offer on a without prejudice basis in full settlement of the OPA and rezoning appeals:

(1) Our client would agree to formally revise its development proposal that is the subject of the above noted appeals before the OLT to a three (3) tower mixed use development with heights of 50, 45 and 42 storeys as shown on the attached architectural plans dated November 13, 2025 prepared by Arcadis (the "**Proposed Development**"). The main components of the Proposed Development and revisions from the original proposal before the OLT are as follows:

- (a) The site size (prior to any public lane conveyance) has been adjusted to now approximately 10,408 square metres which excludes the lands from the original site area that have now been expropriated for the Davenport Road extension and required by Canadian Pacific Railways;
- (b) A proposed new onsite public park has been reconfigured to a rectilinear shape with satisfactory frontage on the Davenport Road extension and located at the southwesterly portion of the property. The parkland dedication will be unencumbered and a minimum of 929 square metres in size which satisfies City staff's requirements. Further the parkland dedication will be conveyed to the City prior to the issuance of the first Above Grade Building Permit for the last tower building of the Proposed Development (Buildings A, B, or C), in an acceptable environmental condition. Prior to the issuance of the First Above Grade Building Permit for the Proposed Development, our client is agreeable to the imposition of a Section 118 restriction pursuant to the Land Titles Act against title to the parkland to be conveyed to the City, that prohibits the transfer or charge of the parkland without the prior written consent of the Executive Director, Development Review to the satisfaction of the City Solicitor;
- (c) In addition, prior to the issuance of the First Above Grade Building Permit for the Proposed Development, our client would agree to provide a letter of credit for the value of the parkland as appraised by the Executive Director, Corporate Real Estate Management and acceptable to our client in a form satisfactory to the City, and such security shall not be released until the parkland has been conveyed to the City in a manner satisfactory to the General Manager, Parks and Recreation; from the date the Financial Security is first paid to the City until such time as the parkland is conveyed to the City, the Financial Security shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication 18-10-0135-01, or its successor, to the satisfaction of the General Manager, Parks and Recreation;
- (d) A public lane conveyance of approximately 1,122 square metres is proposed;
- (e) The proposed development includes four buildings as detailed below:
- Building A - 50 storey tower;
 - Building B - 45 storey tower;
 - Building AB - 10 storey podium; and
 - Building C - 42 storey tower with an 8 storey podium;
- (f) Revisions to massing and stepping of Building AB podium were made to address the City's comments and improve building relationship to St. Clair Avenue including, but not limited to, reducing the Building AB podium height

from 12 to 10 storeys and improving stepping and setbacks along the St. Clair frontage, which break the podium into smaller, pedestrian-scale components;

- (g) Overall massing and stepping has been revised to all towers for improved overall shadowing impact on streets and Neighbourhoods;
- (h) Overall height of Buildings A, B and C has increased from 45, 40 and 30 storeys to 50, 45 and 42 storeys, respectively. The proposed heights are in keeping with the Keele St. Clair Secondary Plan which supports a transition in height as the distance from the station block increases, with buildings of greater height proposed in close proximity to the future transit station. The towers have been oriented and massed to maximize sunlight to existing parks, the proposed new park and the surrounding public realm. As demonstrated by the Planning Rationale & Shadow Study (November 18, 2025), the incremental shadowing associated with the proposed additional heights, beyond the 35 storeys that are currently permitted by the Keele St. Clair Secondary Plan, is minimal.
- (i) The amount of residential gross floor area has increased from approximately 93,000 square metres to 102,325 square metres as the result of an increase in building heights resulting in additional 349 units. The amount of non-residential floor space decreased from the amount proposed in the original submission, 11,025 square metres to 8,400 metres, but complies with the minimum requirement as stated in OPA 537 and is still one times the net site area following all conveyances including the proposed parkland conveyance;
- (j) Tower floor plates are all 750 square metres and tower separations are maintained at a minimum of 25 metres;
- (k) For greater clarity, the height, massing, setbacks, stepbacks and separation distances for the Proposed Development are substantially as depicted in the attached architectural plans;
- (l) Total gross floor area (GFA) as indicated below:
 - (i) A maximum of 102,325 square metres of residential GFA; and
 - (ii) A minimum of 8,400 square metres of non-residential GFA;
- (m) The development will include a unit mix that meets the City's Growing Up Guidelines and the provision of amenity space that meets or exceeds the requirements as set out in the City of Toronto Zoning By-law No. 569-2013;
- (n) For portions of the Proposed Development depicted in the architectural plans as "Non Residential Area" the zoning by-law will permit all non-residential uses

currently permitted in the Commercial Residential (CR) zone within By-law 569-2013.

(2) In addition, our Client proposes to make improvements to the City owned lands within the St. Clair right of way abutting the subject site to the north as follows:

- a. These improvements would create an accessible path of travel from St. Clair Ave West to Davenport Rd and an improved pedestrian realm that allows for this area to read as a pedestrian gateway, as indicated in the Keele-St. Clair Secondary Plan. The improvements would be compatible with the Davenport Extension and future St. Clair Avenue West widening. They are designed to take place after the Davenport Extension but before any future St. Clair Avenue West widening;
- b. Two designs for these improvements are under consideration, one reflecting a minimum base condition that our Client could be compelled by the City to construct through the Site Control Process, to provide for pedestrian connectivity and standard landscaping, as is illustrated in the attached conceptual design marked 'ROW Proposal 1'. The other design, illustrated in the attached conceptual design marked 'ROW Proposal 2', through the addition of a significant retaining wall, would allow a larger area to be created within the right of way, at grade with the proposed ground floor units, and more completely transform this area to a pedestrian gateway for the benefit of the wider public;
- c. Prior to finalising the Official Plan Amendment and Zoning Bylaw Amendment, our client agrees to continue negotiations with the City with respect to the delivery of ROW Proposal 2 through a CBC in kind contribution, and whether the conceptual diagram marked ROW Proposal 1 requires further landscaping and any other elements to be added in order to represent a sufficient base condition. Any changes will need to be reviewed and confirmed by our client. If an agreement can be reached on this CBC in kind contribution, we understand a further report to City Council will be required;
- d. If prior to finalising the Official Plan Amendment and Zoning Bylaw Amendment, no agreement as envisaged under (2)c. above can be reached with respect to a CBC in kind contribution ("Alternative Scenario 1") or if it is determined that the City or Metrolinx will be constructing a pedestrian ramp in close proximity to Building AB as shown on the Architectural Plans ("Alternative Scenario 2"):
 - i. The minimum base condition for the right of way will be constructed and secured as part of the Site Plan Control process;

- ii. The minimum amount of the non-residential gross floor area to be included in the final zoning by-law amendment may need to be decreased, based on further discussions with the City, albeit to no lower than a minimum of 7400 square metres in Alternative Scenario 1 or 6300 square metres in Alternative Scenario 2, because the visibility for the commercial retail units fronting onto St. Clair Avenue West will be impeded;
- iii. Discussion will take place on the justification for reducing or revising non-residential floorspace, in recognition of the reduction in the viability and marketability of commercial retail space, both at-grade and on upper floors along St. Clair Avenue West; and
- iv. For the avoidance of doubt no other changes would be made to the zoning by-law amendment except as is necessary to reflect changes to design (discussed and agreed with the City) that are consequential to any agreed reduction of the minimum non-residential gross floor area.

(3) With respect to the issuance of the final Order for the OPA and Zoning By-law Amendment for the Proposed Development, our client is agreeable to the final Order being withheld subject to the following conditions being satisfied:

- a. the final form and content of the draft Official Plan Amendment is to the satisfaction of the Executive Director, Development Review and the City Solicitor;
- b. the final form and content of the draft Zoning By-law Amendment is to the satisfaction of the Executive Director, Development Review and the City Solicitor;
- c. the owner at their sole cost and expense has:
 - i. submitted revised Functional Servicing, Stormwater Management, and Hydrogeological Reports, including a Foundation Drainage Report, ("Engineering Reports") for review and acceptance to the satisfaction of the Director, Engineering Review, in consultation with the General Manager, Toronto Water. The reports will determine whether the municipal water and fire flow, sanitary and storm sewer capacity can support the proposed development, taking into account other proposed development in vicinity to the Development, and whether upgrades or improvements of the existing municipal infrastructure are required;
 - ii. entered into a financially secured agreement for the construction of any improvements to the municipal infrastructure, to the satisfaction of the Executive Director, Development Review and the City Solicitor, should it be determined that upgrades are required to support the Proposed

Development according to the accepted Engineering Reports and / or accepted Transportation Impact Study;

- iii. ensured that implementation of the accepted Engineering Reports does not require changes to the proposed amending By-law or that any required changes have been made to the proposed amending By-law to the satisfaction of the Executive Director, Development Review and the City Solicitor, including the use of a Holding ("H") By-law symbol regarding any new municipal servicing infrastructure or upgrades to existing municipal servicing infrastructure, as may be required;
- d. Confirmation is provided from the parties as to whether an agreement has been reached with respect to a CBC in kind confirmation as noted above and whether revisions to the final zoning by-law amendment are required.
- e. The Owners have submitted revised Compatibility Mitigation, Environmental Noise Feasibility and Railway Vibration Studies including peer review to the satisfaction of the Executive Director, Development Review;
- f. The Owners have made revisions to meet the Toronto Green Standard requirements current as at the time of zoning application, if applicable, to the satisfaction of the Executive Director, Development Review;
- g. The Owners have submitted a revised Pedestrian Level Wind Study to the satisfaction of the Executive Director, Development Review;
- h. The Owners have submitted a revised Sun/Shadow Study to the satisfaction of the Executive Director, Development Review;
- i. The Owners have submitted a revised Energy Strategy Report, to the satisfaction of the Chief Planner, City Planning and Executive Director, Development Review;
- j. The Owners have submitted an Arborist Report, Landscape Plans and Tree Preservation Plan to the satisfaction of the Executive Director, Environment, Climate and Forestry;
- k. The Owners have submitted a phasing plan to demonstrate the order in which the various phases of development would be delivered, to the satisfaction of the Executive Director, Development Review;

- l. The Owners have submitted a revised Transportation Impact Study and Transportation Demand Management Plan to the satisfaction of the Executive Director, Development Review, in consultation with the General Manager, Transportation Services;
- m. The parties confirm that no changes are required to site or grading plans for the Proposed Development to ensure compatibility with the Davenport Road extension or proposed St Clair widening;

It should be noted that if a Final Order is issued for the Zoning By-law Amendment which includes a minimum non-residential gross floor area amount in excess of 6300 square metres and ultimately Alternative Scenario 2 comes into fruition, our client reserves the right to make a minor variance application to reduce the amount of minimum non-residential gross floor area applicable to the subject lands albeit to no lower than 6300 square metres.

With respect to the outstanding draft plan of subdivision and site plan appeals, the City and our clients have agreed to hold these appeals in abeyance. The parties nonetheless agree that it would not be appropriate for the Tribunal to issue a final order allowing the appeals on the ZBA/OPA until agreement is reached between the parties on the wording of conditions for inclusion in the draft plan of subdivision approval addressing parkland conveyance (as per this settlement offer letter) and environmental site assessment.

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

- (1) Architectural Plans dated November 13, 2025, prepared by Arcadis.
- (2) Conceptual designs for the Improvements dated December 2025, prepared by Studio tla.

The Settlement Offer closes at 5:00 pm on Friday, February 6, 2026 if this offer is not accepted by City Council.

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.

Yours very truly,

A handwritten signature in blue ink, appearing to be 'JP' with a stylized flourish.

KAGAN SHASTRI DeMELO WINER PARK LLP

Jason Park
JIP

cc: Sequoia Stockyards GP Inc. and Sequoia Stockyards LP