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January 22, 2021

Our File No.: 155654

WITH PREJUDICE

SENT BY E-MAIL

Kelly Matsumoto, Practice Lead
Planning & Administrative Tribunal Law
City of Toronto, Legal Services
55 John Street, 26th Floor, Metro Hall
Toronto, Ontario M5V 3C6

Dear Ms. Matsumoto:

**Re. Proposed Settlement by Parc Downsview Parc Inc. and Canada Lands Company Limited
City of Toronto Official Plan Amendment No. 231
PL140860**

As you are aware, Aird Berlis LLP are counsel to Parc Downsview Parc Inc. (“PDP”) and Canada Lands Company Limited (“CLC”), the owners of lands within the Downsview Area Secondary Plan area. On July 28, 2014, CLC/PDP filed an appeal of City of Toronto Official Plan Amendment No. 231 (“OPA 231”). That appeal remains active with the Land Use Planning Appeals Tribunal (the “LPAT”) and has yet to be resolved.

Over the past year our clients, and Northcrest Developments Inc. (“Northcrest”) have been engaged in discussions with City staff in the context of the OPA 231 appeal. The positive outcome of these discussions is illustrated in the enclosed joint correspondence from our clients and Northcrest (January 22, 2021). Following further discussion with City staff, we have received and reviewed with our clients and Northcrest the enclosed Site and Area Specific Policy (dated January 22, 2021). This SASP has been prepared by City staff with input from CLC/PDP and Northcrest. We are pleased to advise that our clients are prepared to resolve their appeal of OPA 231 in its entirety upon approval by the LPAT of the enclosed SASP.

We would appreciate it if the City could confirm receipt of this with prejudice settlement offer and, when appropriate, if you could kindly advise if the City is prepared to settle our clients’ appeal on this basis and to support the approval of the enclosed SASP by the LPAT.

In the interim, and on behalf of CLC/PDP and Northcrest, please accept our appreciation for the discussions with City staff to date. To that end, please do not hesitate to contact us if you have any questions or require anything further to facilitate this settlement.

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Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello

Encl.

EPC:lm

c. Canada Lands Company/Parc Downsview Parc Inc.
Northcrest Developments Inc.
Goodmans LLP, Counsel to Northcrest Developments Inc.
Urban Strategies Inc, Planning Consultants to CLC/PDP and Northcrest Developments Inc.
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Appendix 1

DRAFT – SASP – PARC DOWNSVIEW PARK AND BOMBARDIER LANDS – WITH PREJUDICE

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Official Plan Amendment No. 231 is modified as follows:

1. Map 2, Urban Structure, is amended by deleting the *Employment Areas* overlay on the lands identified as *Regeneration Areas* on the attached Schedule 2.
2. Map 16, Land Use Plan, is amended by re-designating the lands identified as Subject Lands from *Core Employment Areas* to *General Employment Areas* and *Regeneration Areas*, as shown on the attached Schedule 2.
3. Chapter 7, Site and Area Specific Policies, is amended by adding a new Site and Area Specific Policy 596, as follows:

596. Parc Downsview Park and Bombardier Lands

General

1. The boundaries of land use designations on Schedule 2 are general and adjustments to the boundaries may be made through the consideration and adoption of a revised Downsview Area Secondary Plan.
2. In addition to the development criteria identified in Policy 2 of Section 4.7, Regeneration Areas, the following policies shall apply to the Subject Lands shown on Schedule 1.

Land Use

3. Prior to Council's consideration and adoption of a revised Downsview Area Secondary Plan, only the following uses are permitted on the Subject Lands:
 - a. Light manufacturing and processing;
 - b. Warehousing, wholesaling, distribution and storage;
 - c. Offices;
 - d. Research and development facilities;
 - e. Utilities;
 - f. Industrial trade schools;
 - g. Media, information and technology facilities;
 - h. Vertical agriculture;
 - i. Parks;
 - j. Restaurants;
 - k. Catering facilities;
 - l. All types of retail and service uses; and
 - m. Fitness centres.
4. In addition to the uses permitted in Policy 3, above, the uses set forth in Policy 8(1)(c)(ii) of the existing Downsview Area Secondary Plan will continue to be permitted on the portions of the Subject Lands that are within the National Urban Park District identified on Map 7-3 of the Secondary Plan.
5. Through the consideration and adoption of a revised Downsview Area Secondary Plan, appropriate locations for hotel and daycare uses may also be considered and permitted on the Subject Lands.

6. Prior to the re-designation of lands from *Regeneration Areas* to any other land use, a new Land Use Plan will be approved as part of a revised Downsview Area Secondary Plan. The Land Use Plan will:
 - a. Support the development of complete communities;
 - b. Support the planned economic function of the lands by providing for a broad range of employment uses to support a diverse economy and an increase in lands designated as *General Employment Areas* beyond those shown on Schedule 2;
 - c. Strategically locate land uses to phase development, animate the public realm and support transit-oriented densities; and
 - d. Provide for an integrated and expanded public open space network that connects new and existing public parks and open spaces to Downsview Park (within the National Urban Park District) and the Black Creek and West Don River open space systems, in accordance with an approved Public Realm Plan.
7. The revised Downsview Area Secondary Plan will plan for a minimum non-residential gross floor area of 1,114,000 square metres (approximately 12 million square feet) within an area comprising the Subject Lands and the additional lands identified on Schedule 2, including the adaptive reuse of existing buildings.
8. Development of the minimum non-residential gross floor area will be comprised of the uses listed in Schedule "3", such that:
 - a. Uses listed in Column 1 will account for 51 per cent or more of the minimum non-residential gross floor area;
 - b. Uses listed in Column 2 will account for 49 per cent or less of the minimum non-residential gross floor area; and
 - c. Uses listed in Column 3 will not be counted towards the minimum non-residential gross floor area.
9. The revised Downsview Area Secondary Plan will address the manner in which the mix of non-residential uses will be achieved. The mix of non-residential uses may vary from district to district, and as development occurs, provided that the intent of achieving the above mix is maintained.
10. To provide a balance of employment and residential growth, the minimum non-residential gross floor area of 1,114,000 square metres required by the revised Downsview Area Secondary Plan on the designated lands will be achieved in accordance with the following:
 - a. Until the amount of non-residential gross floor area on the designated lands exceeds 371,500 square metres, non-residential uses will be developed prior to or concurrent with residential uses at a 1:1 ratio, such that the amount of residential gross floor area on the designated lands may not exceed the amount of non-residential gross floor area on the designated lands;

- b. For development of non-residential gross floor area on the designated lands between 371,500 square metres and 743,200 square metres, residential uses may be developed at a ratio of 3.5 square metres of residential gross floor area for every 1 square metre of non-residential gross floor area;
 - c. For development of non-residential gross floor area on the designated lands between 743,200 square metres and the total minimum non-residential gross floor area of 1,114,000 square metres, residential uses may be developed at a ratio of 5 square metres of residential gross floor area for every 1 square metre of non-residential gross floor area;
 - d. To encourage the development of affordable housing and institutional housing (including but not limited to student residences, retirement homes and long-term care facilities), residential uses may be developed at ratios exceeding the amounts set out above only where the additional residential gross floor area is used for affordable housing and/or institutional housing;
 - e. Should any affordable housing or institutional housing units revert or be converted to market housing units prior to the development of the minimum non-residential gross floor area of 1,114,000 square metres required on the designated lands, such units will then be included in the amount of residential gross floor area for the purposes of achieving the ratios set out above; and
 - f. Affordable housing and institutional housing units are considered residential gross floor area.
11. Given the geographic area of the Subject Lands and the range of physical characteristics, conditions and potential land uses within the lands, the revised Downsview Area Secondary Plan may require District Plans to be developed to the satisfaction of the City. The revised Secondary Plan may also establish criteria by which certain development may proceed in the absence of a District Plan. District Plans, where required, will outline development principles and guidelines for each district, to be implemented through development applications such as Zoning By-laws and/or Plans of Subdivision.
 12. Where required, District Plans shall provide for a mix of uses, including employment uses, to support the development of complete communities, as necessary to implement the policies of the Secondary Plan.
 13. Prior to the re-designation of lands from *Regeneration Areas* to any other land use, a Rail Safety Strategy for sensitive uses will be approved as part of a revised Downsview Area Secondary Plan for lands within 30 metres of the GO Barrie Line.
 14. Prior to the re-designation of lands from *Regeneration Areas* to any other land use, a Compatibility/Mitigation Study will be prepared, in accordance with Policies 2.2.4.5 to 2.2.4.10 of the Official Plan. The Compatibility/Mitigation Study will identify:
 - a. any uses and Major Facilities on *Employment Areas* lands outside of but near to the Subject Lands, including the lands located north of Sheppard Avenue West, that may impact or be impacted by sensitive land uses, including residential uses;

- b. the Influence Area of any Major Facility outside of but near to the Subject Lands; and
- c. potential and/or required mitigation measures for land use designations that permit residential or other sensitive land uses near *Employment Areas* outside of the Subject Lands.

Parks, Recreation & Public Realm

15. Prior to the re-designation of lands from *Regeneration Areas* to any other land use, a Public Realm Structure Plan will be approved as part of a revised Downsview Area Secondary Plan. The Public Realm Structure Plan will:
 - a. Identify locations and types of new and expanded public parks and other on-site open spaces, which will connect and expand the existing Downsview Park network to serve the local communities including appropriately sized parks to serve the local community east of the GO Barrie Line and Allen Road;
 - b. Identify active transportation corridors and connections;
 - c. Identify new and existing major streets;
 - d. Identify general locations of key community infrastructure such as schools, libraries, and community recreation centres, including:
 - i. a new community recreation centre located near the south-east corner of the Sheppard Avenue West and Keele Street intersection; and
 - ii. additional community recreation centres east of the GO Barrie line, as required, to serve future populations not anticipated by the existing Downsview Area Secondary Plan;
 - e. Identify any heritage buildings and other cultural heritage assets; and
 - f. Consider the relationship, transition and connections to existing established neighbourhoods.
16. Prior to the re-designation of lands from *Regeneration Areas* to any other land use, a Parks and Recreation Facility Plan for the Downsview Secondary Plan Area will be developed and will identify, amongst other matters, suitable sites for community recreation centres and recreation facilities and will consider lands in the vicinity of Keele Street and Sheppard Avenue West as a location for one new community recreation centre and associated recreation and park facilities.
17. Prior to Council's passing of bills for any zoning by-law approving residential building on the lands designated as *Regeneration Areas* in this SASP, a shovel-ready design for the community recreation centre in the vicinity of Keele Street and Sheppard Avenue West, and associated recreation and park facilities, will be completed through an agreed upon process between the owner and the City, including consultation with the local community on the prepared design, at the owner's expense.

18. The City will secure the provision of the community recreation centres and other recreation and park facilities through subsequent development application approvals as necessary. The community recreation centres and associated recreation and park facilities may be considered an in-kind contribution of community benefits pursuant to the *Planning Act* and/or work for which development charge credits may be provided pursuant to the *Development Charges Act*.

Transportation

19. Prior to the re-designation of lands from *Regeneration Areas* to any other land use, an updated Downsview Transportation Master Plan will be developed that achieves a public complete street network, including a hierarchy of streets, that improves transit accessibility, cycling infrastructure, pedestrian pathways and connectivity to transit options, including multiple connections across, over and/or under the GO Barrie Line, and/or potential connections across Allen Road.
20. The revised Downsview Area Secondary Plan will prioritize direct and safe active transportation and connections to existing and planned transit facilities.
21. The revised Downsview Area Secondary Plan will consider and plan for the possible extension of the Sheppard Subway from Sheppard-Yonge Station to Sheppard West Station.

Servicing, Infrastructure & Environment

22. Prior to the re-designation of lands from *Regeneration Areas* to any other land use, an Infrastructure Master Plan will be approved as part of a revised Downsview Area Secondary Plan. The Infrastructure Master Plan will identify water, sanitary, stormwater and hydro infrastructure requirements.
23. The revised Downsview Area Secondary Plan will apply an innovative approach to sustainable design that is climate resilient and aims to:
 - a. implement the City's net zero greenhouse gas emissions targets; and
 - b. implement the highest levels of the Toronto Green Standard.

Community Services & Facilities

24. Prior to the re-designation of lands from *Regeneration Areas* to any other land use, a Community Services and Facilities Strategy will be approved as part of a revised Downsview Area Secondary Plan. The Community Services and Facilities Strategy will:
 - a. Identify community space and facility needs, including the provision of new child care facilities, libraries, community recreation centres, schools and other community agency space; and
 - b. Set out priorities to support growth which may include potential locations and recommended phasing as well as opportunities for co-location.
 - c. Identify community services and facilities that may be considered an in-kind contribution of community benefits pursuant to the *Planning Act* and/or work for

which development charge credits may be provided pursuant to the *Development Charges Act*.

Housing

25. Prior to the re-designation of lands from *Regeneration Areas* to any other land use, a Housing Plan will be approved as part of a revised Downsview Area Secondary Plan. The Housing Plan will be implemented through District Plans and will guide the provision of affordable housing throughout the Downsview Area Secondary Plan lands.
26. The Housing Plan will identify an affordable housing strategy and the affordable housing requirements for the revised Downsview Area Secondary Plan. The Housing Plan will identify the range of mechanisms for the delivery of required affordable housing on the Subject Lands, through one or more of the following, or equivalent, delivery mechanisms, to the satisfaction of the City:
 - a. The conveyance of land to the City sufficient to accommodate 20% of the residential gross floor area;
 - b. The provision of 10% of residential gross floor area as purpose built rental units with affordable rents secured for a period of no less than 20 years; and/or
 - c. The conveyance to the City of 5% of the residential gross floor area as purpose built affordable rental or affordable ownership units.
27. The Housing Plan will consider opportunities for exceeding the minimum affordable housing requirements stated above.
28. In addition, the Housing Plan will:
 - a. recognize the existing affordable housing requirements set forth in the existing Downsview Area Secondary Plan and identify how the existing housing requirements for the Downsview Area Secondary Plan have been, or plan to be, addressed;
 - b. address the percentage of units that will be two- and three-bedroom units, including a minimum size for each unit type; and
 - c. acknowledge that affordable housing units should generally be located wherever residential uses are permitted.

Phasing

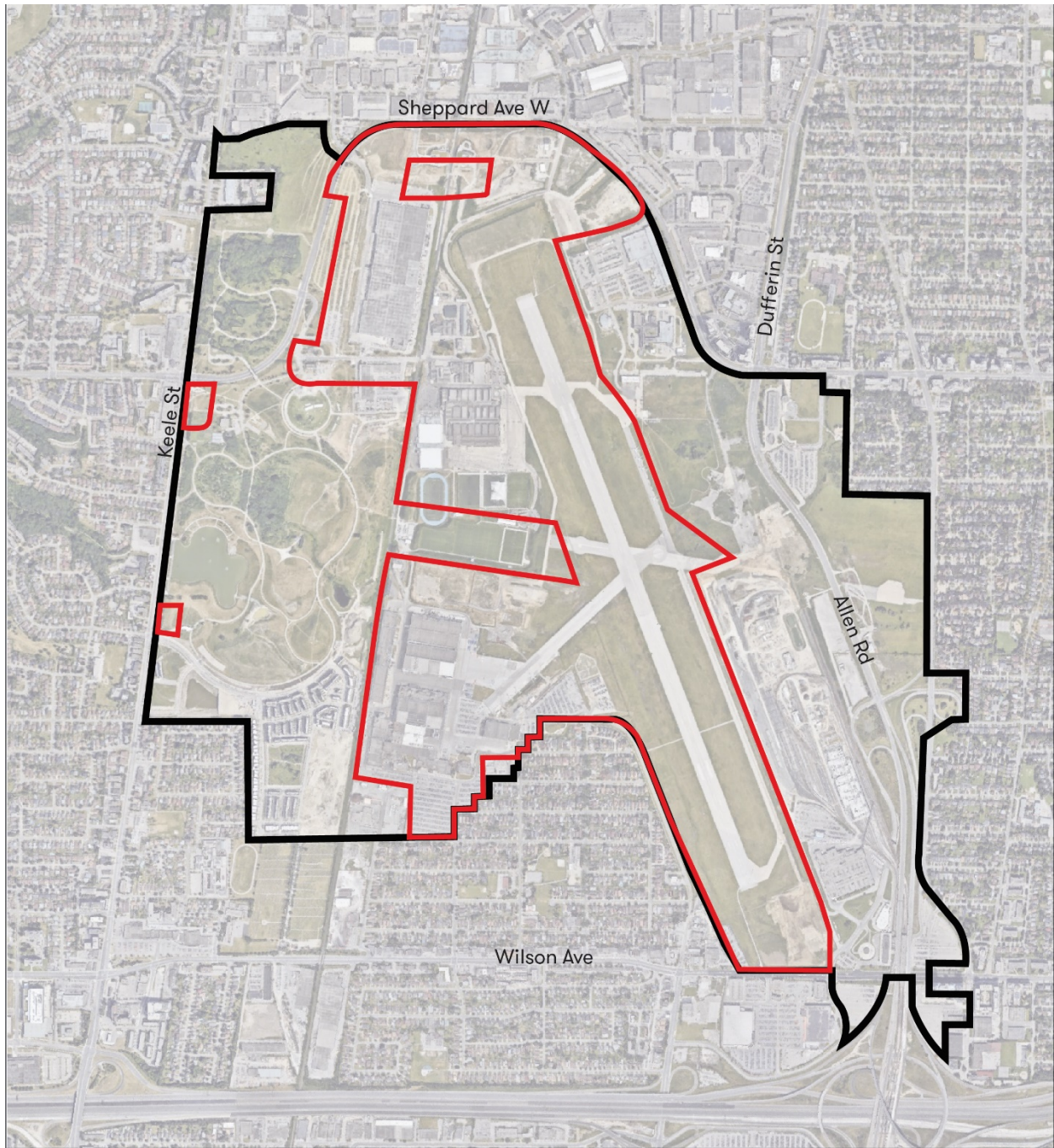
29. Prior to the re-designation of lands from *Regeneration Areas* to any other land use, a Phasing Strategy and Implementation Plan will be developed and approved as part of a revised Downsview Area Secondary Plan to ensure the orderly development of a mix of uses on the subject lands. The Phasing Strategy and Implementation Plan may include the use of holding provisions to provide for the orderly sequencing of development in phases, including the provision of infrastructure and services.

Engagement

30. Prior to the re-designation of lands from *Regeneration Areas* to any other land use, a detailed engagement strategy and consultation critical path will be developed with stakeholders including but not limited to resident associations, local businesses and BIAs, local councillors and school boards.

DRAFT – SASP – PARC DOWNSVIEW PARK AND BOMBARDIER LANDS – WITH
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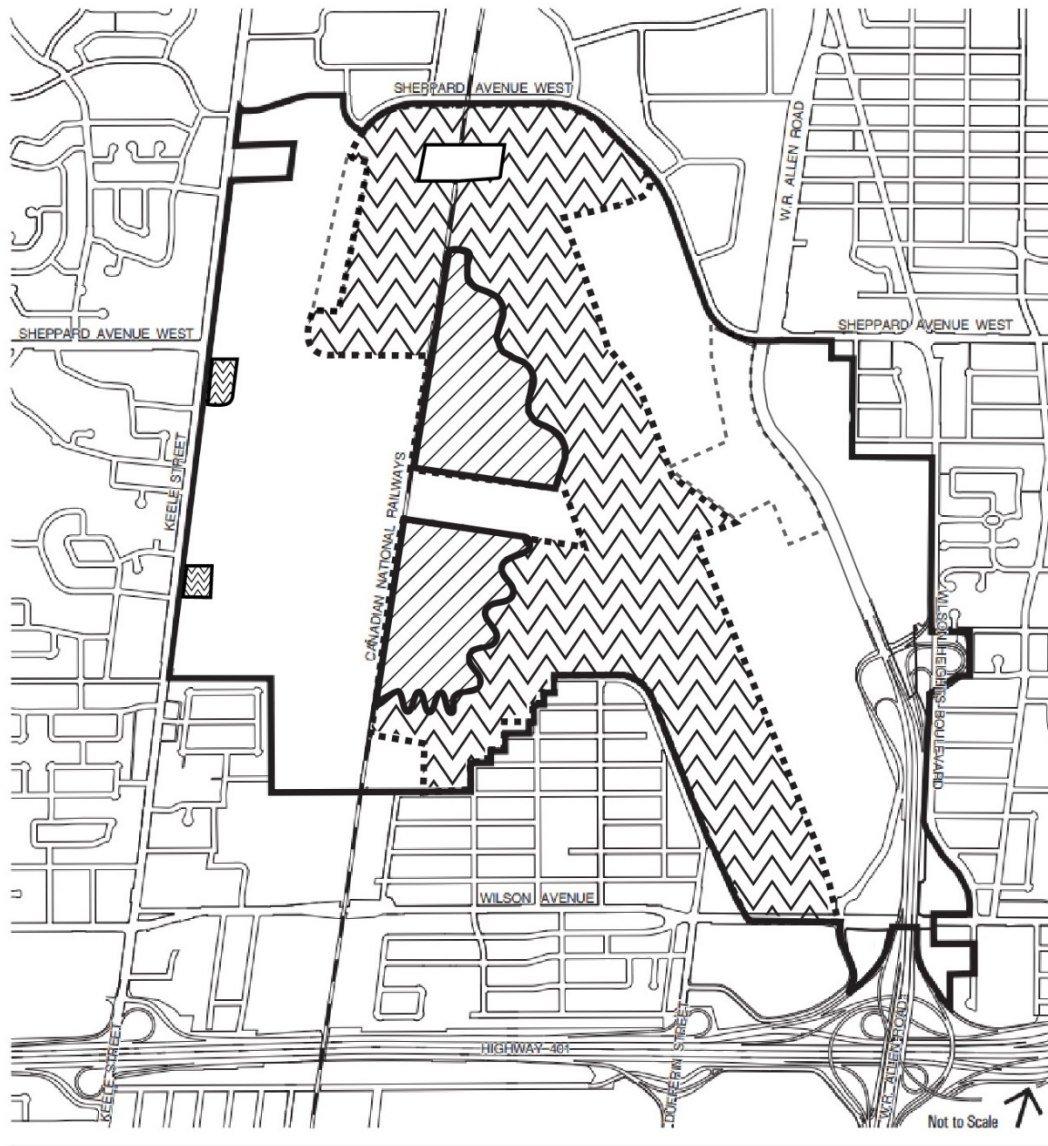
SCHEDULE 1:
SUBJECT LANDS








Subject
Lands



Downsview Area
Secondary Plan Boundary



Schedule 2: Land Use

- | | | | |
|-------------------------------------------------------------------------------------|-------------------------------------------|-------------------------------------------------------------------------------------|--------------------------------------------------|
|  | Subject Lands |  | Regeneration Area |
|  | Downsview Area
Secondary Plan Boundary |  | General Employment Area |
| | |  | Additional Lands for the
Purposes of Policy 7 |

Schedule 3

Non-Residential Uses referred to under Policy 5		
Column 1 (51%)	Column 2 (49%)	Column 3
Office	Ancillary Retail	Community Recreation Centres
Creative Industries *	Services (including Restaurants, Fitness Centres, Day Cares)	Libraries
Scientific Research and Development	Hotels	Public Schools
Light Manufacturing (including High Tech Industrial)	Medical/Health Facilities (including Hospitals, Clinics, Hospices, Medical Offices)	Transit Stations
Processing	Warehousing, Wholesaling, Distribution	Places of Worship
	Public Utility/Renewable Energy	Ambulance/Fire Stations
	Artist's Galleries/Studios	
	National Urban Park District Employment Uses **	
	Post-Secondary Institutions, Business and Industrial Trade Schools	

* Creative industries have their origin in individual creativity, skill and talent and which have a potential for wealth and job creation through the generation and exploitation of intellectual property, including: arts and crafts; broadcasting; design; film, video and photography; music and the visual performing arts; publishing; software, computer games and electronic publishing; film studio and all pre-production and post-production as well as other services which directly or indirectly support film production.

** Uses permitted by Policy 8(1)(c)(ii) of the existing 2011 Downsview Area Secondary Plan