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WITHOUT PREJUDICE

January 22, 2021

VIA EMAIL

Gabe Szobel
Solicitor, Planning & Administrative Tribunal Law
City of Toronto, Legal Services Division
Metro Hall, 26th Floor
55 John Street
Toronto, ON M5V 3C6

Dear Mr. Szobel:

**RE: 6 Lloyd Avenue
Appeals of Site-Specific Applications for Official Plan and Zoning By-law Amendments
(City File Nos. 13 278533 WET 11 OZ and 13 278533 WET 05 OZ)
Appeals of Official Plan Amendment 231 (LPAT Case No. PL140860)
Offer to Settle Appeals**

We are the lawyers for Berkeley Carlyle (Junction) Inc. ("**Carlyle**"), being the owner of the properties municipally known as 6 Lloyd Avenue and 195, 181, 179, 177, 175, 171, 169, 167, 165, 163 and 161 Mulock Avenue and commonly referred to as 6 Lloyd Avenue (the "**Property**").

Official Plan Amendment 231

On July 29, 2014, the decision of the Ministry of Municipal Affairs and Housing approving Official Plan Amendment No. 231 ("**OPA 231**") was appealed to the former Ontario Municipal Board by the previous owner of the Property (LPAT Case No. PL140860). The appeal was subsequently assumed by Carlyle and remains pending before the Tribunal. As a result of Carlyle's ongoing appeal of OPA 231, the official plan designation for the Property remains "Employment Areas."

As adopted by City Council and approved by the Minister, OPA 231 would redesignate the northern two-thirds ("**Area A**") of the Property to "Mixed Use" and the southern one-third of the property ("**Area B**") to "General Employment." OPA 231 also introduces Site and Area Specific Policy 447 ("**SASP 447**") which includes policies intended to guide the redevelopment of the Property. Carlyle's appeal of OPA 231 raises issues with some of these proposed policies, including a policy which seeks to limit the scale of development to a maximum building height of 16.5 metres.

The Tribunal has approved parts of OPA 231, in some cases as modified through settlement with appellants. As discussed in greater detail below, Carlyle is seeking modifications that would address and resolve outstanding issues that have been raised by Carlyle in respect of OPA 231 and SASP 447.

Site-Specific OPA and ZBA Applications

In December 2013, Overland LLP, in its capacity as solicitor for the previous owner of the Property (2053785 Ontario Limited), submitted an application for an official plan amendment to permit the mixed-use redevelopment of the Property with residential uses incorporated into the proposed development (the “**OPA Application**”). The OPA Application was filed in advance of the City’s adoption of OPA 231. The OPA Application was assumed by Carlyle upon purchase of the Property on November 29, 2017.

On March 29, 2018, Carlyle appealed the OPA Application to the Ontario Municipal Board, now the Local Planning Appeal Tribunal (the “**Tribunal**”), on the basis of the City’s refusal or neglect to make a decision on the OPA Application within 180 days (LPAT Case No. PL180400) (the “**OPA Appeal**”). Following the filing of the OPA Appeal, Carlyle and the City continued discussions in respect of the Property and its potential for redevelopment.

On October 21, 2019, Overland LLP submitted an application for a zoning by-law amendment to permit the mixed-use redevelopment of the Property with two buildings stepping up in height to 15 and 17 storeys respectively, with a component for affordable housing units, a separate office building, and a new public park (the “**ZBA Application**”).

Based on productive discussions with City Staff in respect of the proposed redevelopment, Carlyle has undertaken various revisions to the form of development originally contemplated by the OPA and ZBA Applications. On March 12, 2020, Carlyle revised the ZBA Application to respond to comments received from City Staff pertaining to the building massing, setbacks, stepbacks, unit layouts, unit mixes, amenity plans, road and sidewalk designs, and other related concerns that were raised (the “**March 2020 Resubmission**”).

Following the March 2020 Resubmission, Carlyle received a second round of comments from Staff which culminated in further revisions to the proposed development. On September 25, 2020, Carlyle revised the ZBA Application to respond to these additional comments, as well to address the impact that Covid-19 has had on the residential and office marketplace (the “**September 2020 Resubmission**”). The September 2020 Resubmission includes changes to the proposed mix of residential units, the size of the office building component, and the community benefits associated with the development (which includes a public park with above-base improvements, a public daycare, and the incorporation of affordable housing units).

As a result of the ongoing appeal of OPA 231, the underlying zoning of the Property will not permit the approval of the ZBA Application. Carlyle is desirous of resolving the OPA Application and its appeal of OPA 231 in a manner that will allow for the further processing of the ZBA Application.

Proposed Settlement Revisions to OPA 231

Both the OPA Application and OPA 231 provide a planning tool to implement the “Mixed Use” designation intended for the Property and contemplated by the ZBA Application. Carlyle is prepared to resolve its appeal of the municipally initiated amendments for the Property that were adopted under OPA 231. In this spirit, Carlyle has worked with City Staff to address and resolve outstanding issues that have been raised by Carlyle in respect of OPA 231 and SASP 447. A copy of the proposed revisions to SASP 447 is attached as Schedule “A” to this correspondence (the “**Settlement Offer**”).

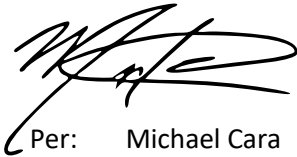
In the event that City Council accepts the Settlement Offer, then:

1.) Carlyle undertakes to work in good faith with City Staff in order to secure revisions to OPA 231 and SASP 447 by presenting the proposed modifications to the Tribunal on consent at the case management conference scheduled for March 4, 2021.
2.) Carlyle is prepared to withdraw the OPA Appeal, following the issuance of the Tribunal's Order approving the modifications to OPA 231 (SASP 447).

It is acknowledged that the proposed modifications to OPA 231 will require revisions to the current proposal, particularly as it relates to the removal of the proposed daycare use. If the Settlement Offer is accepted, Carlyle undertakes to include this modification in the further set of proposed revisions to be submitted to the City as a result of ongoing circulation and comments received.

The Settlement Offer is open until February 3, 2021, following which it will become null and void if not accepted. In this regard, the Settlement Offer is being submitted for consideration by City Council at its meeting(s) on February 2 and 3, 2021. If the Settlement Offer is accepted, Carlyle consents to the Settlement Offer and City Council's consideration thereof being made public.

Yours truly,
Overland LLP



Per: Michael Cara

Encl.

c. H. Spriggs, Carlyle Communities

Schedule "A" – Proposed Revisions to SASP 447)

1. # Map 2, Urban Structure, is amended by deleting *Employment Areas* on the lands known municipally in 2020 as 6 Lloyd Avenue.
2. # Map 17, Land Use Plan is amended by re-designating the lands known municipally as 6 Lloyd Avenue from *Employment Areas* to *Mixed Use Areas* for lands identified as Area 'A' and Area 'B', and from *Employment Areas* to Parks and Open Space Areas – Parks for lands identified as Area 'C', as shown on the attached Schedule A.
3. # Map 8A, City Parkland, is amended by adding a park at the southwest corner of Lloyd Avenue and Mulock Avenue, for the lands identified as Area 'C' on the attached Schedule A.
4. # Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 447 for the lands known municipally in 2020 as 6 Lloyd Avenue as follows:

447. \$North Side of Lloyd Avenue East of Mulock Avenue

- a. # Residential uses are only permitted on the lands shown as Area 'A'.
- b. # On the lands shown as Area 'B', the following development and use provisions will apply:
 - i. # A minimum of 4,000 square metres of commercial and/or office space will be constructed and that this development occurs:
 1. # prior to or concurrently with any residential development on the lands shown as Area 'A';
 2. # along at least 50% of the Lloyd Avenue frontage; and
 3. # at a minimum height of 10 metres.
 - ii. # The only permitted uses are an arts school, creative arts studio, art gallery, theatre, office, retail outlet, farmer's market, museum, restaurant/café, daycare, and community facilities.
 - iii. # A daycare use is only permitted once the adjacent industrial uses at 35 Cawthra Avenue existing in the year 2020 have ceased and have not been replaced by the same or similar use for a period of one year from the date of closure of the original use, and subject to the submission of supporting studies set out in (c) below.
 - iv. # A minimum of 4,000 square metres of commercial and/or office space to be constructed in Area 'B' will be secured by way of a

Section 37 Agreement or by any other means determined by the City.

- c. # The permitted building height, envelope and land uses for Area 'A' and Area 'B' will be determined through the implementing zoning by-law amendment based on the following studies to the satisfaction of the Chief Planner:
 - i. # a Rail Safety and Mitigation Study to support any building setback less than 30 metres from the rail corridor; and
 - ii. # a Compatibility Mitigation Study, Air Quality Study, Noise Impact Study, and Vibration Study,
- d. # A park shall be located on the lands shown generally as Area 'C'.

Schedule A

