

**Attachment 2-A – Confidential Information**

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**Without Prejudice**  
**Draft February 6, 2015**

**Outline of Proposed Terms of Settlement**

OMB Case No. PL140270

This is an outline of the Proposed Terms of Settlement arising out of the Ontario Municipal Board (“OMB”) mediation concerning the proposed new sports field, running track and seasonal sports dome (the “Facility”) at Central Technical School, 693 Bathurst Street (“Central Tech”).

**Definitions**

- “Community Use” means available for use at no cost to “local residents”, as defined by the Facility Management and Community Liaison Team.
- “Outside of School Operating Hours” means 5 pm – 12 am on school days when the dome is erected, 7 am – 12 am on non-school days when the dome is erected, 6 pm – 11 pm on school days when the dome is not erected, and 7 am – 11 pm on non-school days when the dome is not erected, for the term of the Licence Agreement between the TDSB and Raizenne Inc., being the hours that Raizenne Inc. may permit the use of the Facility to User Groups.
- “User Groups” means the individuals and groups Raizenne Inc. permits to use the Facility during the Outside of School Operating Hours. For clarity, the TDSB and schools under the TDSB’s jurisdiction are not User Groups.

**Track and Field**

- Raizenne Inc. will install a new artificial turf sports field at Central Tech, large enough to accommodate a full football field (to be generally in accordance with the site plan attached hereto).
- Raizenne Inc. will install a new running track around the field that will be 400 metres in length and 24 feet in width, and will have a rubberized surface (to be generally in accordance with the site plan attached hereto).

**Seasonal Sports Dome**

- An air-supported sports dome will be erected on the playing field every year for not more than six months, generally from November to April.
- The dome will not cover any portion of the running track.
- The dome’s dimensions will be no greater than:
  - 309 feet in length (north-south);
  - 215 feet in width (east-west); and
  - 59 feet in height.

- The location and profile of the dome will be generally in accordance with site plan and elevation attached hereto.
- In preparing the final site plan and detailed design drawings, Raizenne Inc. will endeavour to situate the dome and track further north or east on the site to maximize the boulevard green space along Bathurst and Harbord streets.

### **Facility Management and Community Liaison Team**

- A Facility Management and Community Liaison Team (the “Team”) will be established for the purpose of identifying, discussing and resolving operational issues, including scheduling of Community Use of the Facility, maintenance and repair of the Facility, traffic and parking issues, and other community impacts resulting from the Facility.
- The Team will be comprised of at least representatives of the TDSB, City, HVRA, PARA, FANCTS and Raizenne Inc.
- The Team will be formed within 30 days after the requested variance is approved by the OMB. The Team’s first meeting will take place within 30 days after it is formed, which will be convened by the TDSB.
- The Team will establish its own terms of reference.
- The Team will meet at least quarterly, or more frequently as required.

### **Facility Limits and Restrictions**

- The occupancy of the dome will be limited to 175 people, unless it is being used by the TDSB.
- No regional tournaments will be held at the Facility unless unanimously approved by the Team. This restriction does not apply to TDSB school events.
- Raizenne Inc. will not rent out the Facility for any overnight events.
- Programming for User Groups will end by 11 pm when the dome is not erected and by 12 am when the dome is erected.
- User Groups will comply with the City’s noise by-law at all times, and will also not play music at the Facility after 7 pm, whether the dome is erected or not.
- Dogs and pets will not be permitted at the Facility. Service animals are exempt from this restriction.
- Neither Raizenne Inc. nor the User Groups will apply for a liquor licence or be permitted to consume or serve alcohol at the Facility. The consumption of alcohol will only be permitted at licensed TDSB school events.
- Field lighting will not be directed toward residential properties or roadways. Field lighting will not be used when the dome is erected, and will not be used between 11 pm and 6 am when it is not erected.
- Raizenne Inc. will utilize deflectors and other technology as appropriate to minimize or eliminate spillage of light onto neighbouring properties or roadways.

## Community Use

	When the dome is not erected (roughly May to October)	When the dome is erected (roughly November to April)
Running track	<ul style="list-style-type: none"> <li>The running track will be available for Community Use 98% of the time during Outside of School Operating Hours.</li> <li>On school days, the running track will be available for Community Use from 6 am to 7 am, and for informal but non-guaranteed use from 7 am to 8 am.</li> </ul>	<ul style="list-style-type: none"> <li>The running track will be available for Community Use 98% of the time during Outside of School Operating Hours, but only during daylight hours and when there is no snow or ice on the running track or the dome, as determined by Raizenne Inc. to pose a safety and/or security risk. If there are any disputes, they can be addressed through the Team.</li> </ul>
Sports field / dome	<ul style="list-style-type: none"> <li>The end areas and all other areas of the sports field not in use by User Groups will be available for Community Use during Outside of School Operating Hours, as long as the Community Use does not interfere with the portion of the sports field being used by the User Groups.</li> <li>The sports field will be available for Community Use at least 17% of Outside of School Operating Hours each year, as follows: <ul style="list-style-type: none"> <li>5% of Outside of School Operating Hours will be allocated to regular weekly time periods on Saturdays and Sundays, as decided by the Team;</li> <li>7 am – 9 am, Monday to Friday, during Central Tech’s summer break;</li> <li>5 pm – 6 pm, Monday to Friday, during Central Tech’s summer break; and</li> <li>8 hours per day on Victoria Day, Canada Day, Civic Holiday, Labour Day and Thanksgiving Day.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>The dome will be available for Community Use at least 20 hours during the Central Tech Winter Holiday school break each year, with the dates and times to be determined on an annual basis by Raizenne Inc. in consultation with the Team and posted in advance.</li> <li>Raizenne Inc., Central Tech and the TDSB will collaborate to run an annual program for youth served by a neighbourhood agency. Local groups such as St. Stephen's Community House will be invited to participate. The details and schedule of the program will be approved by the Team. The program will consist of a minimum of 10 hours of time in the dome.</li> </ul>

- Raizenne Inc. will make an annual \$1,000 donation to the TDSB for the next 20 years in support of a community swim programme at Central Tech. The dates and

times of the free community swimming will be determined on an annual basis by the Team and will be posted in advance.

- Community Use during Raizenne Inc. Hours is subject to the programming requirements of the TDSB. The Team will be provided with notice of any change in Community Use resulting from TDSB programming requirements. TDSB programming requirements will not diminish the total number of hours made available for Community Use annually.

### **Traffic and Parking**

- Raizenne Inc. will implement the recommendations resulting from the “Central Tech Parking and Traffic Management Report” outline prepared by Brian Hollingworth (IBI Group) and Michael Tedesco (Tedesco Engineering) dated January 16, 2015, subject to any revisions deemed appropriate by Mr. Hollingworth and Mr. Tedesco resulting from the reduced size of the dome.
- The Parking and Traffic Management Plan will be circulated to all parties for review and comment before being finalized.
- The final Parking and Traffic Management Plan must be to the satisfaction of the City.
- The parties will endeavour to complete the Parking and Traffic Management Plan prior to requesting that the OMB approve the variance or, alternatively, the parties will request that the order of the OMB approving the requested variance be withheld pending finalization of the Parking and Traffic Management Plan.

### **Heritage Designation**

- Raizenne Inc. will be apply for a heritage permit under section 33(1) of the *Ontario Heritage Act* to permit the alteration of a designated heritage property. The City's Heritage Preservation Services staff will recommend approval of the proposed alterations to City Council as being an acceptable intervention because the dome structure is temporary and reversible.
- If approved by City Council, subsequent Council approval would not be necessary provided that the proposal was consistent with that which had been approved initially.
- The Settlement will be conditional on City Council approving the heritage permit application, although this condition can be waived by Raizenne Inc.

### **Construction Phase**

- Raizenne Inc. will establish a Construction Management Plan satisfactory to the City, which will be implemented during the remediation of the field, construction of the track and other necessary construction activities before the dome is erected for the first time.

### **Open Space / Streetscape Improvements**

- The City will contribute available s. 37 funds from development in the vicinity in order to implement streetscape improvements along parts of Bathurst Street and Harbord Street bordering Central Tech and will maximize the Bathurst Street boulevard space, subject to consideration for student safety by the TDSB and City

design standards. The existing fence along Bathurst Street will be removed and replaced with a new fence to be located to the east side of the trees lining the street. The details of the streetscape improvements will be determined in consultation with the parties. Further direction from City Council to release the s. 37 funds as well as a shared use agreement to secure public access to the space will be required in order to secure the streetscape improvements on Bathurst and Harbord. Streetscape improvements will not include any purchase of TDSB property by the City, and no costs of remediation will be borne by the City.

- A publicly accessible open space can be accommodated at the northeast corner of Bathurst Street and Harbord Street, as proposed in the February 2014 study entitled “Better Bathurst: Built Form and Land Use Study”. During the term of the Licence Agreement, the City has the option of improving this space and a Community Use Agreement would be entered into between the City, TDSB and Raizenne Inc. regarding the use and maintenance of this space.
- The parties agree to continue discussions concerning the potential remediation and landscaping of the open space near Lennox Street, north of the main Central Tech building. Although the Settlement Proposal is not contingent on the City contributing any funds towards improvements to the Lennox Street space, the parties agree that the potential for City funds to be contributed to capital improvements for this space in exchange for secured community access will be further explored when the City seeks direction from City Council for the release of Section 37 funds to implement the Bathurst and Harbord Street improvements.

### **Enforcement**

- The Minutes of Settlement entered into by the parties will be filed as an exhibit with the OMB. The parties will request that the OMB impose the following as conditions of approval for the requested variance:
  - The dome’s dimensions will be no greater than 309 feet in length, 215 feet in width and 59 feet in height.
  - The dome will be erected for not more than six months, generally from November to April of each year.
  - The occupancy of the dome will be limited to 175 people, unless it is being used by the TDSB for school events.
  - The Facility will not be rented out for any overnight events.
  - No amplified music will be played at the Facility after 7 pm, whether the dome is erected or not, unless it is for a TDSB school event.
  - Programming for User Groups will end by 11:00 pm when the dome is not erected and by 12:00 am when the dome is erected.
  - Neither Raizenne Inc. nor the User Groups will apply for a liquor licence or be permitted to consume or serve alcohol at the Facility. The consumption of alcohol will only be permitted at licensed TDSB school events.
  - Field lighting will not be directed toward residential properties or roadways. Field lighting will not be used when the dome is erected, and will not be used between 11 pm and 6 am when it is not erected.

- Deflectors and other technology will be utilized as appropriate to minimize or eliminate spillage of light onto neighbouring properties or roadways.
- When the dome is not erected, the sports field will be available for Community Use a minimum of 245 hours during Outside of School Operating Hours each year (approximately 17% of the Outside of School Operating Hours when the dome is not erected), and the track will be available for Community Use 98% of Outside of School Operating Hours.
- When the dome is erected, the sports field will be made available for community access at least 20 hours per year during the Central Tech Winter Holiday school break each year.
- A Parking and Traffic Management Plan will be prepared jointly by the consultants for the applicant and the City to the satisfaction of the City. The recommendations of the approved Parking and Traffic Management Plan will be implemented.
- A Facility Management and Community Liaison Team will be established for the purpose of identifying, discussing and resolving operational issues, including scheduling of Community Use of the Facility, maintenance and repair of the Facility, traffic and parking issues, and other community impacts resulting from the Facility.
- A Construction Management Plan satisfactory to the City will be prepared and implemented during the remediation of the field, construction of the track and other necessary construction activities before the dome is erected for the first time.
- Prior to the issuance of a demolition and/or building permit, the applicant shall satisfy all matters relating to City and Privately owned trees, to the satisfaction of the Supervisor, Urban Forestry – Tree Protection & Plan Review. Urban Forestry will issue a clearance letter to Toronto Buildings provided that the above mentioned criteria are fulfilled.
- As a further proposed condition of approval, Raizenne Inc. and the TDSB will enter into an Agreement with the City under section 45(9.1) of the *Planning Act* to secure the conditions of approval. The Agreement will be binding on any successor or assignee of the Licence Agreement with the TDSB.
- Raizenne Inc. and the TDSB will revise the Licence Agreement to be consistent with the Minutes of Settlement.

**Attachment 2-B – Confidential Information**

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**Table Comparing Original Proposal and Settlement Proposal**

	<b>Original Proposal</b>	<b>Current Proposal</b>
<b>Sports field</b>	Artificial turf sports field	Artificial turf sports field
<b>Running track</b>	400 metre running track with rubberized surface	400 metre running track with rubberized surface
<b>Length of dome</b>	480 feet	309 feet
<b>Width of dome</b>	250 feet	215 feet
<b>Height of dome</b>	80 feet	59 feet
<b>Dome square footage</b>	120,000 square feet	66,435 square feet
<b>Dome storage</b>	On-site	Off-site
<b>Governance</b>	Facility Management Team (TDSB and Raizenne Inc.)	Facility Management and Community Liaison Team (the “Team”) (TDSB, City, HVRA, PARA, FANCTS and Raizenne Inc.)
<b>Dome occupancy limit</b>	Subject only to Ontario Building Code occupancy limit (over 300 people)	175 people (not applicable when being used by TDSB)
<b>Regional tournaments</b>	Permitted	Prohibited unless permitted by the Team
<b>Music</b>	Permitted, subject only to the City’s Noise By-law	Prohibited after 7 pm
<b>Free community use of running track</b>	At least 5% of Raizenne Inc. Hours	At least 98% of Raizenne Inc. Hours (restrictions apply when dome is erected) 6 am to 7 am on school days when dome is not erected
<b>Free community use of sports field / dome</b>	At least 5% of Raizenne Inc. Hours	<u>When dome is not erected</u> Open use of the end areas and all other areas of the sports field not in use by Raizenne Inc. At least 17% of Raizenne Inc. Hours each year, as follows: <ul style="list-style-type: none"> <li>• 5% of Raizenne Inc. Hours will be allocated to regular weekly time periods, as decided by Raizenne Inc. in consultation with the Team; and</li> <li>• 7 am – 9 am, Monday to Friday, during Central Tech’s summer break; and</li> <li>• 5 pm – 6 pm, Monday to Friday, during Central Tech’s summer break; and</li> </ul>

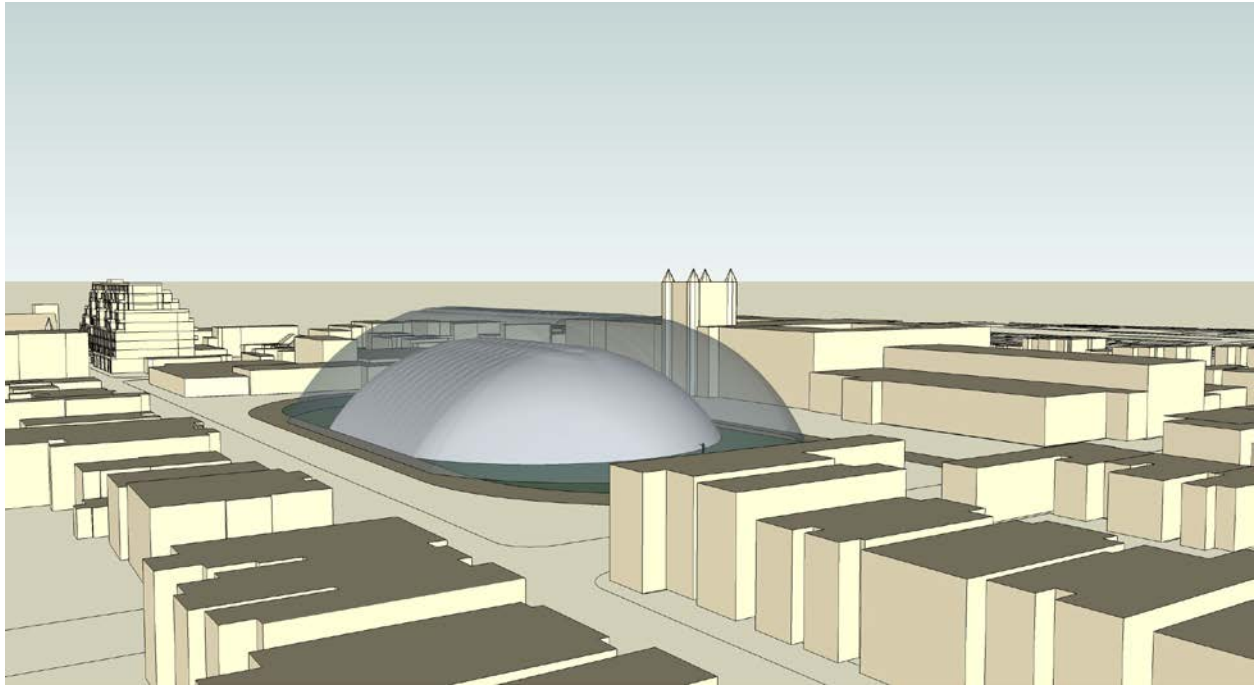
		<ul style="list-style-type: none"> <li>• 8 hours per day on Victoria Day, Canada Day, Civic Holiday, Labour Day and Thanksgiving Day</li> </ul> <p><u>When dome is erected</u></p> <ul style="list-style-type: none"> <li>• At least 20 hours during the Central Tech Christmas school break</li> <li>• Annual program for underprivileged youth (minimum of 10 hours)</li> </ul>
<b>Free community use of Central Tech swimming pool</b>	None	\$1,000 worth of time annually for 20 years
<b>Traffic and parking management plan</b>	Parking and Traffic Management Plan prepared by the consultant for Raizenne Inc.	Parking and Traffic Management Plan prepared jointly by the consultants for Raizenne Inc. and the City, with input from TDSB, HVRA, PARA and FANCTS
<b>Open space and streetscape improvements</b>	None guaranteed	<p>Streetscape improvements along Bathurst Street and Harbord Street, including moving the fence along Bathurst Street east of the trees</p> <p>A publicly accessible open space at the northeast corner of Bathurst Street and Harbord Street</p> <p>Potential remediation and landscaping of the open space near Lennox Street, north of the main Central Tech building</p>
<b>Enforcement</b>	<p>Potential conditions imposed by OMB following contested hearing</p> <p>Licence Agreement unchanged</p>	<p>All parties agree on conditions and request that OMB impose them</p> <p>Various other matters secured in Minutes of Settlement entered into by all parties</p> <p>Licence Agreement amended to be consistent with Minutes of Settlement</p>



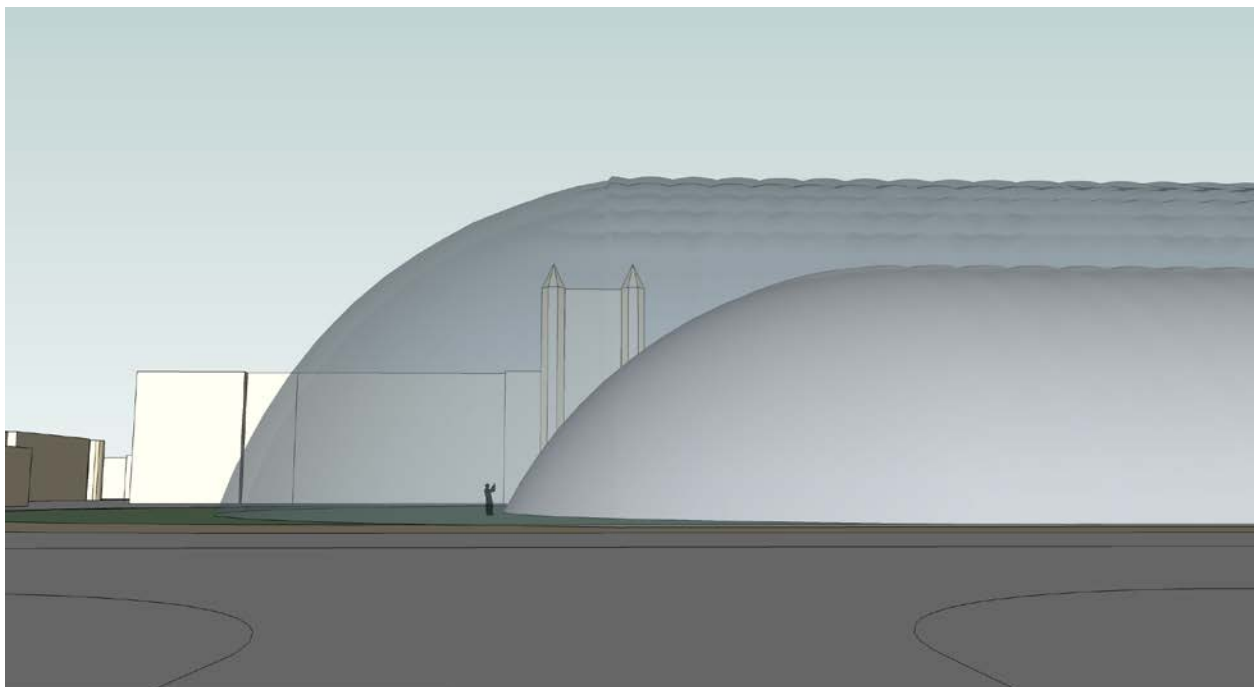
**Attachment 2-C– Confidential Information**

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**Renderings Comparing Original Proposal to Settlement Proposal Dome**



**Aerial View Northeast Bathurst & Harbord**



**View from Herrick Street**

**Renderings Comparing Original Proposal to Settlement Proposal Dome**



**View from Herrick Street – Settlement Proposal**



**View from Herrick Street – Original Proposal**



**Renderings Comparing Original Proposal to Settlement Proposal Dome**

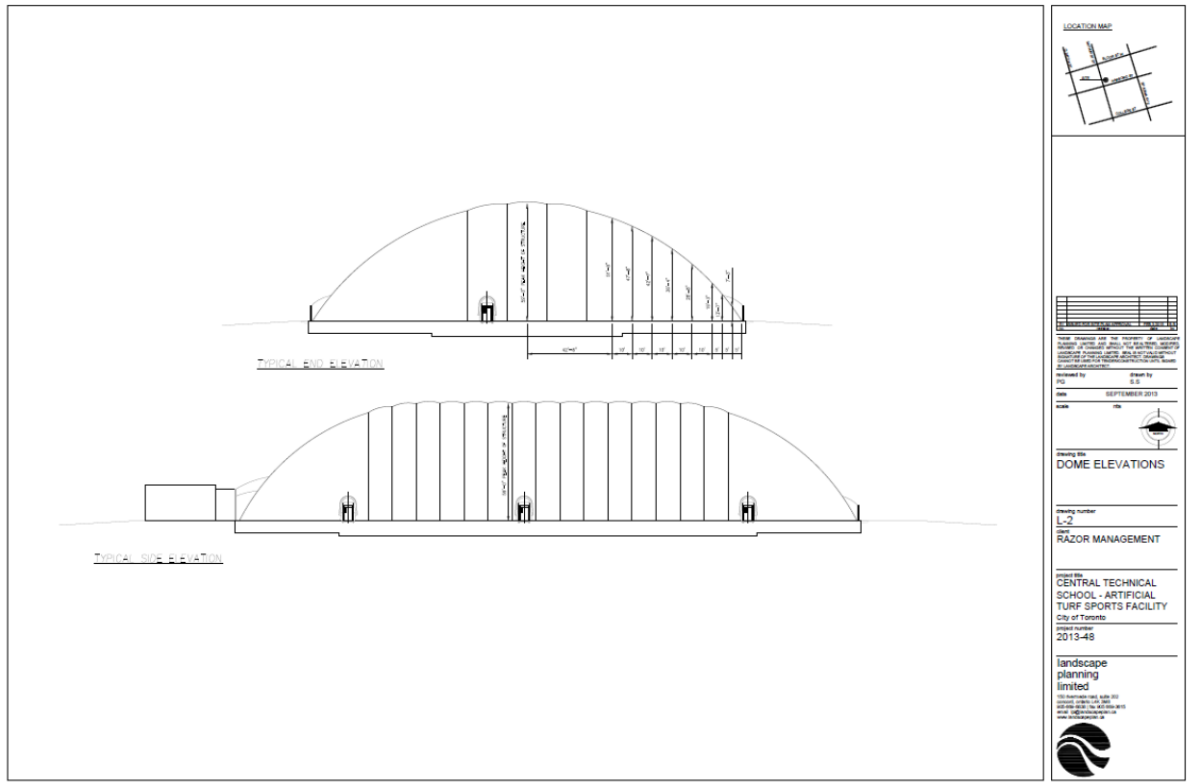
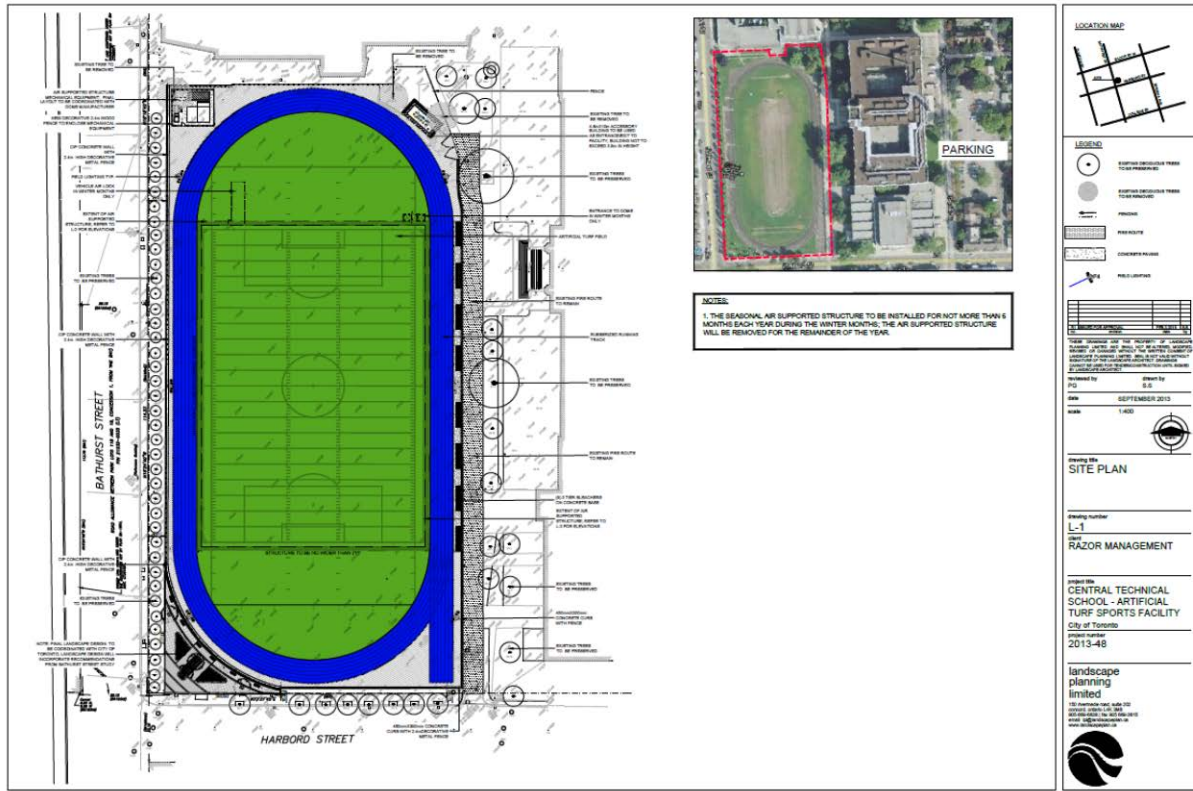


**View from Bathurst Street south of Harbord – Settlement Proposal**



**View from Bathurst Street south of Harbord – Original Proposal**

Attachment 2-D – Confidential Information



Site Plan & Elevations