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File No. 025575/000039

WITHOUT PREJUDICE

March 27, 2018

Delivered by Email

Ms. Abbie Moscovich
City of Toronto
Legal Services, 26th Floor, Metro Hall
55 John Street
Toronto, ON M6G 3K9

Ms. Moscovich:

Re: OPA 311 - Ontario Municipal Board File No. PL160692

Please find attached a settlement framework and documents referred to therein which I am instructed to propose on behalf of our client Metrolinx for Council's consideration at its current meeting. Should Council resolve to accept these terms of settlement, this letter and the settlement framework may be made public on or after April 10, 2018.

Yours truly,

BORDEN LADNER GERVAIS LLP

A handwritten signature in blue ink that reads 'Sean L. Gosnell'.

Sean L. Gosnell
SG:jl

Cc Ms. Mary L. Flynn-Guglietti
Mr. John Alati
Mr. Isaac Tang

/Enclosure

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OPA 331 (WEST OF ROYAL YORK) – SETTLEMENT FRAMEWORK

Conditions for All of Block F

1. Designate the lands within 30m from the rail corridor on Block F as *Employment Areas*. The balance of Block F will remain designated as *Mixed Use Areas*.
2. The City agrees to provide formal confirmation that Block F will be classified as a Class 4 Noise Area pursuant to NPC-300.
3. Add the following policy to OPA 331:

“Prior to enacting any Zoning Bylaw Amendment to implement sensitive land uses including but not limited to residential, Council shall satisfy itself that all measures relating to environmental noise, required to ensure land use compatibility with the adjacent railway yard (Metrolinx Willowbrook Rail Maintenance Facility and VIA Toronto Maintenance Centre, or their successors) have been properly secured.”
4. For all development within Block F, the City, in consultation with Metrolinx and the developer, will determine an appropriate indoor sound criterion for all noise sources, for the purpose of calculating and specifying upgraded windows for such development.
5. Support the location and alignment of the Mimico-Judson Greenway west of Royal York Road as set out in Sections 4.5 to 4.7 and Maps 35-2 and 35-4 of OPA 331 as adopted.

Conditions for 49, 53 and 55 Judson Street

1. Dunpar agrees to provide a monetary contribution of \$250,000 to Metrolinx for noise mitigation measures at the Willowbrook Rail Maintenance Facility. This monetary contribution will be made within five (5) business days upon receipt of a Board Order approving the settlement.
2. There will be no residential occupancy until April 1, 2021 at the earliest. Should the Board Order approving the settlement not be issued by September 1, 2018, Dunpar and Metrolinx agree to cooperate to determine a revised occupancy date to take into account the resulting delays in Metrolinx’s progress in implementing the Noise Abatement Action Plan.
3. The development of the Dunpar lands will be substantially in accordance with the site plan dated March 1, 2018 and attached as **Attachment “A**. In particular, the site plan incorporates the Mimico-Judson Greenway as required under OPA 331 as adopted.
4. Require the heights of both commercial buildings (Blocks A and B) to be the same.
5. Require the commercial buildings to be completed prior to the residential buildings (Blocks C, D and E).

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6. Restrict the residential buildings so that the elevation of the underside of the eaves is no higher than 1.25 m below the roof of the commercial buildings. The elevation must also take into account the following:
 - a. proposed site grading, the grading of the Willowbrook Yard, and that of any adjacent lands; and
 - b. the shape of the roof of the commercial buildings (note that a flat roof is assumed for 1.25 m, a differently shaped roof may result in a different elevation).

The elevation of the roof is that at the top of the roof or at the top of any perimeter parapet, providing such parapet is solid with no gaps, has uniform top elevation and has a minimum face weight of 19kg/m² (4lbs/ft²).

7. Require the combination of site plan layout, internal suite layout, placement, extent and height of commercial buildings as sound barriers, and the extent and height of property line sound barriers to be such as to result in compliance with the sound limits of NPC-300 for the cumulative effect of all of the railway yard noise sources. In particular:
 - a. Dunpar agrees to install noise mitigation measures substantially in accordance with the site plan dated March 1, 2018.
 - b. Dunpar, the City and Metrolinx will work diligently to agree on the noise modelling evidence that will be placed before the Board to support the settlement, with such evidence to be settled by April 9, 2018 unless agreed upon between the parties.
 - c. Prior to submission for site plan approval of the residential buildings, Dunpar shall have its acoustical engineer update the acoustical (Cadna) model and verify in writing (the site plan approval acoustical report) that all noise mitigation features/details previously documented and arising from the acoustic modelling update are properly incorporated or noted on the site plan approval drawings, even if not normally required for site plan approval application.
 - d. Simultaneous with any site plan approval application of the residential buildings to the City, such application shall be provided to Metrolinx in hardcopy and electronically on a USB key, including the Cadna acoustic model file. The application must include drawings, the site plan approval acoustical report and internal suite layouts. Metrolinx will have 45 days to review and comment to the City on the site plan approval application. The City will have regard to the comments by Metrolinx before granting site plan approval.
 - e. Prior to submission for a building permit of the residential buildings, Dunpar shall have its acoustical engineer update the acoustical modelling and noise mitigation requirements, if appropriate, and review the building permit documents to verify in writing (the building permit acoustical report) that all noise mitigation features/details previously documented or arising from the acoustical modelling update are properly incorporated.

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- f. Simultaneous with any building permit application of the residential buildings to the City, such application shall be provided to Metrolinx in hardcopy and electronically on a USB key, including the Cadna acoustic model file. The application must include drawings, the building permit acoustical report and internal suite layouts. Metrolinx will have 45 days to review and comment to the City on the building permit application, during which time the City will not issue a building permit. The City will have regard to the comments by Metrolinx before granting the building permit.
8. Conditions of site plan approval of the residential buildings should incorporate all mitigation measures as illustrated on the site plan dated March 1, 2018, or as subsequently revised in accordance with Section 7 above, to ensure compliance with NPC-300.
9. Dunpar to grant Metrolinx an environmental easement for noise.
10. Dunpar to grant Metrolinx a right of way easement of approximately 48 square meters at the southeast corner along the southern tip of the Dunpar lands for maintenance road access as illustrated on the survey (Part 1 of reference plan 64R-8418) attached as **Attachment "B"**.
 - a. Dunpar reserves the right to use the easement lands, if needed, to construct, excavate or shore during construction activities.
 - b. Metrolinx agrees that construction of any fencing along the shared boundary (privacy/acoustical) and any caissons or footings supporting these fences, will be constructed on the shared boundary so that Centre line of fence is equal to shared boundary.
 - c. Metrolinx authorizes Dunpar access to construct within 3m of the shared boundary, for construction of fencing (privacy/acoustical) along the southern boundary of 49-53 and 55 Judson St. This access will only be temporary during construction activities.
11. Noise warning clauses specific to the presence of the Willowbrook Rail Maintenance Facility and to the development site being a Class 4 receptor shall be registered on title, be placed in all offers of purchase and sale and be posted prominently in any sales office. The wording of the noise warning clauses should be consistent with the following:

Rail Line/Yard

“GO Transit/Metrolinx, and its assigns and successors in interest has or have a right-of-way within 300 metres from this dwelling unit. There may be alterations to or expansions of the rail facilities on such right-of-way or in the Willowbrook Rail Maintenance Facility in the future including the possibility that GO Transit or any railway entering into an agreement with GO Transit to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or

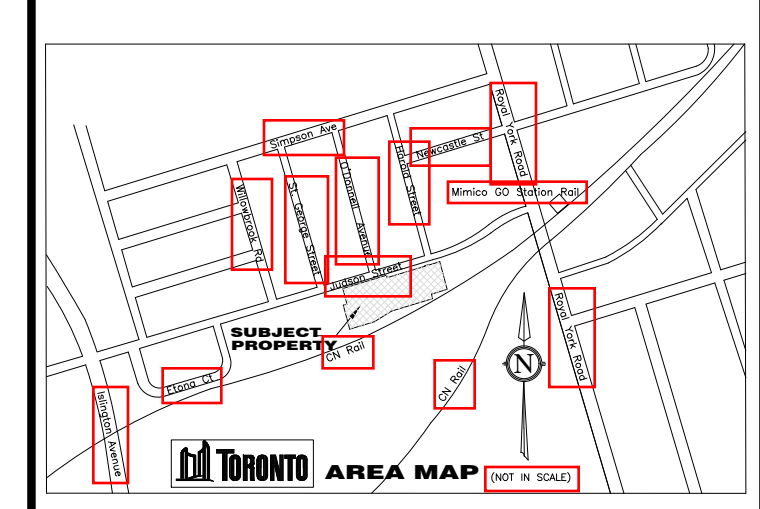
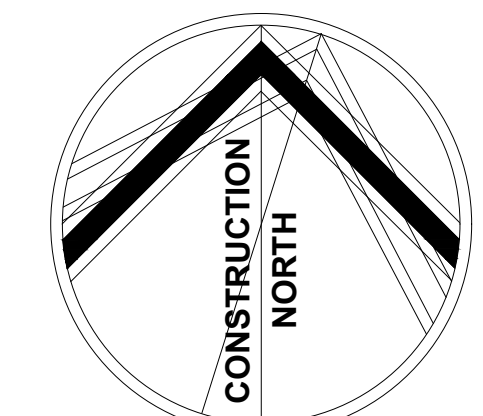
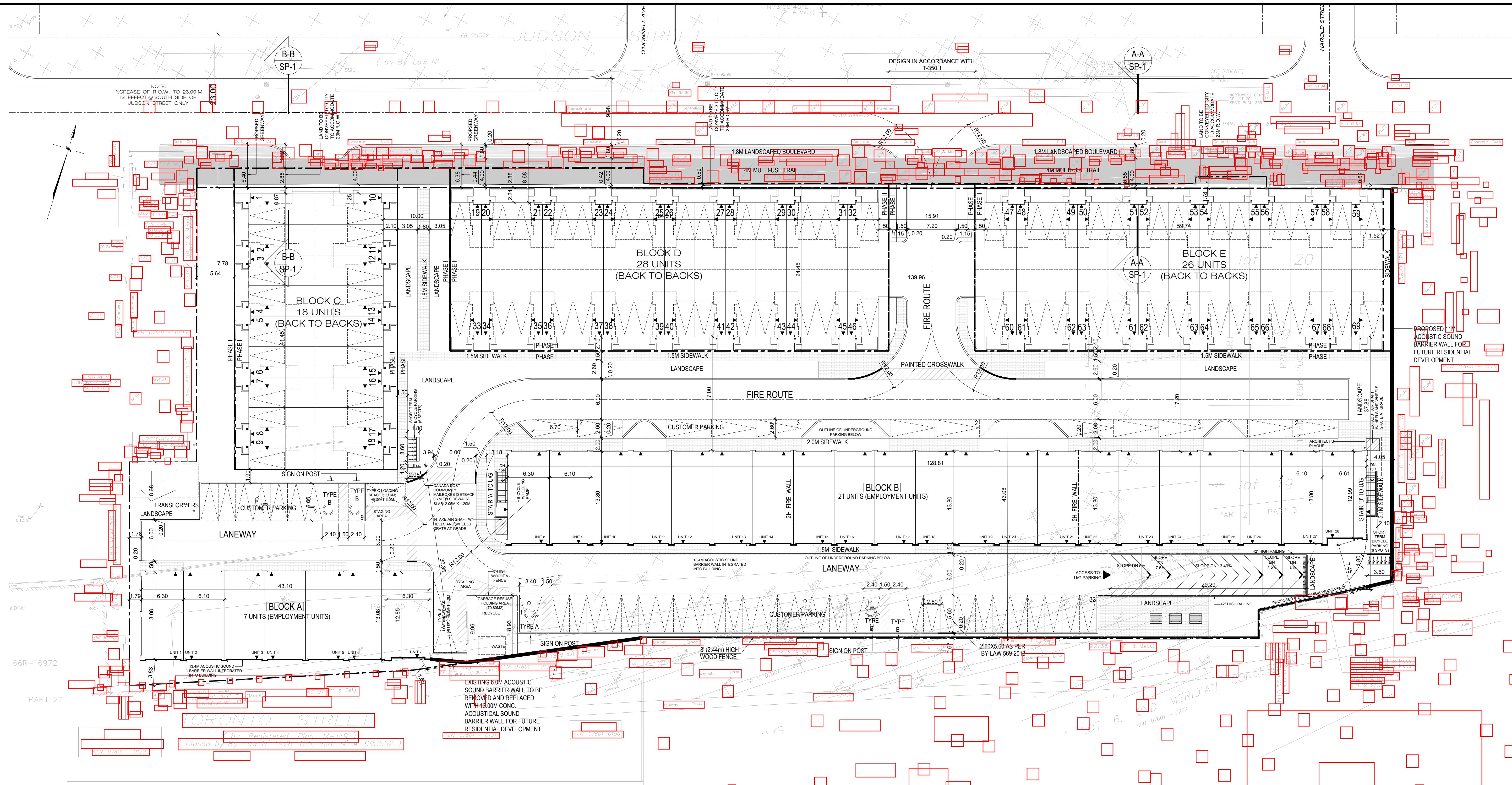
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alteration may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). GO Transit will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way or railway yard.”

Class 4

“Purchasers are advised that sound levels due to the adjacent rail facilities are required to comply with sound level limits that are protective of indoor areas and are based on the assumption that windows and exterior doors are closed. This dwelling unit has been supplied with a ventilation system which will allow windows and exterior doors to remain closed. Notwithstanding any noise mitigation at source or in the design of this development and individual dwellings, noise from the rail facilities may at time interfere with some activities of the dwelling occupants. In the event of such an occurrence residents are advised to close the windows.”

ATTACHMENT A



CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO DP DESIGN INC. BEFORE PROCEEDING WITH THE WORK. DO NOT SCALE THE DRAWINGS.

NO.	REVISIONS	DATE	DWN	CHK
1.	FOR REVIEW	JULY 25, 2016	PL	
2.	REVISED BLOCK A & SITE DATA	AUG. 09, 2016	PL	
3.	REVISED VISITOR STREET PARKING	NOV. 08, 2016	PL	
4.	REVISED BLOCK A - UNIT 7 FOOTPRINT & REVISED DATA	NOV. 08, 2016	PL	
5.	REVISED LANDSCAPE PARKING NORTH OF BLOCK B	NOV. 21, 2016	PL	
6.	ISSUED FOR REVIEW	NOV. 21, 2016	PL	
7.	ISSUED FOR REVIEW	DEC. 14, 2016	DK	
8.	ISSUED TO CONSULTANTS	JUNE 28, 2017	SC	
9.	ISSUED TO CONSULTANTS	JULY 11, 2017	SC	
10.	ISSUED TO CONSULTANTS	JULY 28, 2017	SC	
11.	ISSUED TO CONSULTANTS	AUG. 01, 2017	DK	
12.	ISSUED FOR REVIEW	AUG. 28, 2017	SC	
13.	ISSUED FOR REVIEW	SEP. 7, 2017	SC	
14.	ISSUED FOR REVIEW	SEP. 15, 2017	SC	
15.	ISSUED FOR CONSULTANTS	SEP. 19, 2017	SC	
16.	ISSUED FOR CONSULTANTS	OCT 10, 2017	SC	
17.	ISSUED FOR BUILDING PERMIT	NOV 2, 2017	SC	
18.	ISSUED TO CONSULTANTS	JAN 10, 2018	DK/RA	
19.	ISSUED TO CONSULTANTS	JAN 18, 2018	DK	
20.	ISSUED TO CONSULTANTS	JAN 23, 2018	DK	
21.	ISSUED TO CONSULTANTS	FEB. 01, 2018	DK	
22.	ISSUED TO CONSULTANTS	FEB. 10, 2018	DK	
23.	ISSUED TO CONSULTANTS	FEB. 16, 2018	DK	
24.	RE-ISSUED FOR SPA	MAR. 01, 2018	RA	

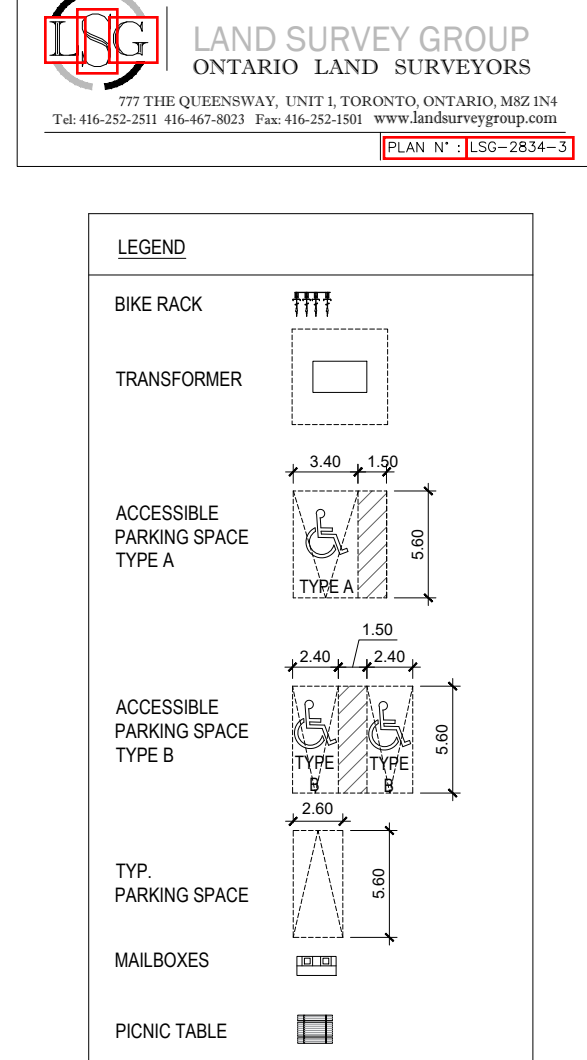
Site Data

Project name: 49, 53 & 55 Judson Date: 09/15/2018

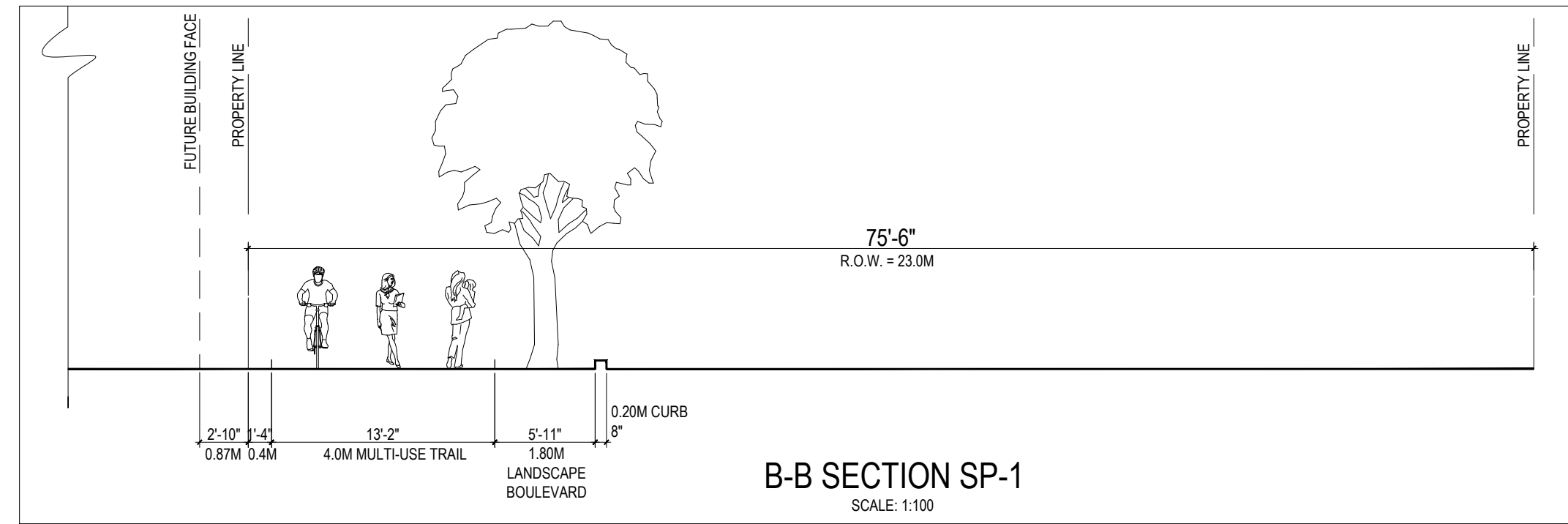
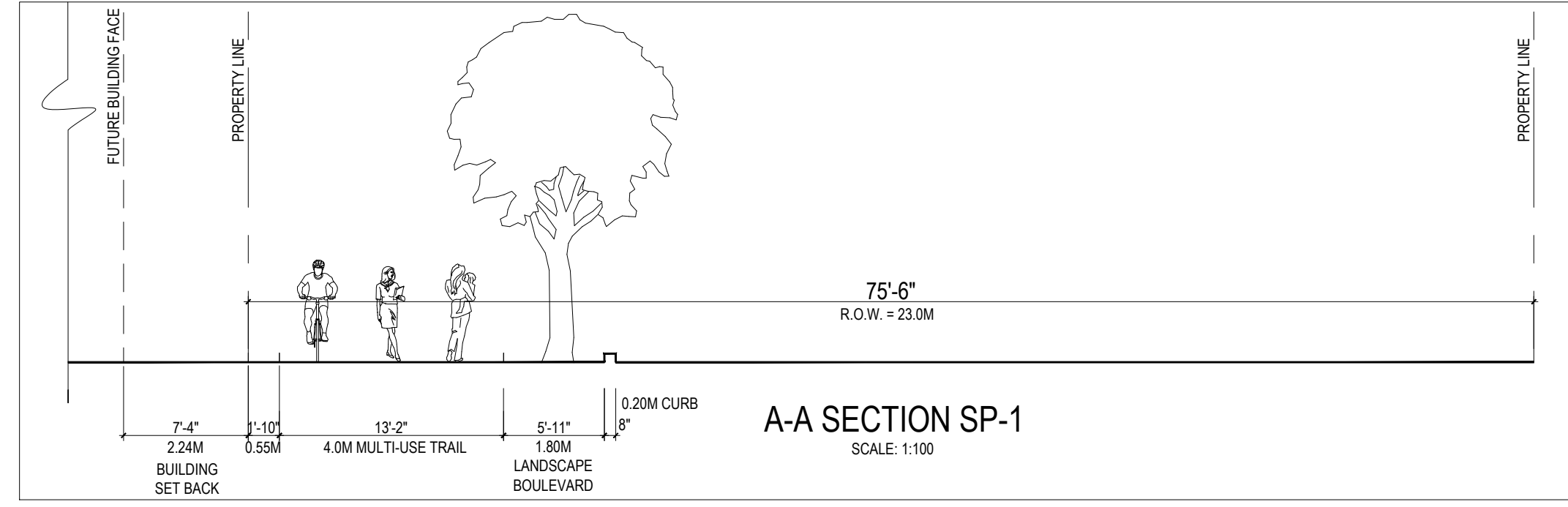
	Meters	Ha	Acres
Total Site Area	12865.63	1.286563	3.18
By Units			
Unit No.	Total GFA (sq.ft.)	Total Building Coverage Area (sq.mt.)	No. of Units
1-7	14609	1357.26	565.52
8-14 (B1)	13330	1424.21	594.28
15-21 (B2)	15241	1415.96	590.85
22-28 (B3)	15335	1424.62	593.69
Totals	60515	5622.04	2344.29
By Block			
Block A	14609	1357.26	565.52
Block B (B1+B2+B3)	45006	4264.78	1778.77
Future Development - Block C	28410	2639.37	833
Future Development - Block D	44366	4121.71	1300
Future Development - Block E	41238	3831.13	1209
Totals	174929	16214.27	5686.29
Total Site GFA	Proposed	16214.27	1664
Total Paved Area	Proposed	3129	24.3
Total Building Coverage Area	Proposed	5686.29	44.2
Total Landscape Area	Proposed	4050.33	31.3
Parking			
Required	1.5 spaces/100m ²	162.1427	1664
Proposed Surface		120	10
Proposed Accessible		3	0.3
Proposed Underground		79	7.9
Total Provided		202	20.2
Short-Term Bicycle Parking (located at grade)	Total Required	12	1.2
Total Proposed		12	1.2
Long-Term Bicycle Parking (located at U/G parking)	Total Required	8	0.8
Total Proposed		8	0.8
Site Density (units/ha)	Proposed	77.72633009	1.261278945
Floor space index (F.S.I.)			
Zoning			

LAND SURVEY GROUP
ONTARIO LAND SURVEYORS
777 THE QUEENSWAY, UNIT 1, TORONTO, ONTARIO, M6E 2Y4
Tel: 416-252-2111 Fax: 416-252-1501 www.landsurveygroup.com
PLAN N° 150-284-3

GENERAL NOTES:
1. FOR LANDSCAPE REFER TO LANDSCAPE DRAWINGS
2. FOR PROPOSED GRADING REFER TO GRADING DRAWINGS
3. ALL PERIMETER EXISTING INFORMATION INDICATED TAKEN FROM SURVEY
4. ALL WORK TO BE DONE IN CONFORMANCE WITH THE 2012 ONTARIO BUILDING CODE (O.B.C., AS AMENDED)



NOTES:
1. THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS COMPRISING THE COMPLETE SET OF APPROVED DRAWINGS FOR THIS DEVELOPMENT.
2. COLLECTION OF WASTE MATERIAL FOR THIS DEVELOPMENT IS GOING TO BE PRIVATE AND STORAGE AT THE GARBAGE KIOSK NEXT TO BLOCK A.
3. ACCESS TO BE CONSTRUCTED AS PER TYPICAL CURB DETAIL T-350 01
4. THE PROPOSER WILL BE RESPONSIBLE FOR RECONSTRUCTING THE SIDEWALKS AT NO COST TO, AND TO THE SATISFACTION OF THE CITY.
5. STAFF HAVE REVIEWED THIS APPLICATION ON THE UNDERSTANDING IT WILL COMPRISE A SINGLE PARCEL OF LAND, UNDER ONE OWNER, SUBMITS AN APPLICATION FOR SERVICERANGE, PART-LOT CONTROL, SUBDIVISION, CONDOMINIUM APPROVAL OR ANY OTHER FORM OF LAND DIVISION FOR THIS DEVELOPMENT NOT IN ACCORDANCE WITH THIS ASSUMPTION, DIFFERENT SERVICING, INCLUDING ALL ASSOCIATED STORMWATER MANAGEMENT FACILITIES AND ANY NECESSARY REVISED PLANS AND STUDIES MAY BE REQUIRED BY THE CITY AT THE SOLE COST TO THE APPLICANT.



DUNPAR
BETTER BY DESIGN

PROJECT:
49, 53 & 55 JUDSON STREET
ETOBICOKE, ONTARIO

SCALE:
1:300

DRAWING TITLE:
SITE PLAN

OWNER/DEVELOPER:
1720194
1742875
ONTARIO INC.

PREPARED BY: [] PROJECT NO. []
CHECKED BY: [] DATE: [] PAGE NO. []
ISSUED: []

ATTACHMENT B

