

AIRD BERLIS

Maggie Bassani
Direct: 416.865.3401
E-mail: mbassani@airdberlis.com

July 5, 2019

BY EMAIL

Mr. Alexander Suriano
Planning & Administrative Tribunal Law
Metro Hall 26th Floor
55 John St.
Toronto, ON M5V 3C6

Dear Mr. Suriano:

**Re: Settlement Proposal
3000 Dufferin Street, Toronto
LPAT Case No. PL171293
Municipality File Nos. 17 200922 NNY 15 OZ and 17 200956 NNY 15 SB**

As you are aware, we act on behalf of 3000 Dufferin Street Limited and Finch-Main Plaza Limited ("Pinedale"), the owners of the property municipally known as 3000 Dufferin Street, Toronto (the "Pinedale Property"). The Pinedale Property has a site area of 16,137.3 square metres and is currently occupied by an 18-storey rental apartment building with a total of 287 dwelling units.

Zoning By-law Amendment and Draft Plan of Subdivision Applications

On July 18, 2017, Pinedale submitted Zoning By-law Amendment and Draft Plan of Subdivision applications with respect to the Pinedale Property.

The original applications proposed two additional residential apartment buildings (16 and 23 storeys) and a townhouse block on the Pinedale Property (the "Original Proposal"). The existing 18-storey apartment building would be retained. The Original Proposal included a total gross floor area of approximately 59,290 square metres, 504 apartment units, 7 townhouse units and 613 parking spaces (inclusive of the existing buildings).

On November 16, 2017, Pinedale appealed its Zoning By-law Amendment application to the Local Planning Appeal Tribunal ("LPAT") due to Council's failure to make a decision with respect to the application within the timeframe prescribed by the *Planning Act*.

On January 16, 2018, Pinedale appealed the Draft Plan of Subdivision application to the LPAT due to the Council's failure to make a decision with respect to the application within the timeframe prescribed by the *Planning Act*.

Settlement Proposal

Since that time, our client has entered into a process of consultation with City staff, including LPAT-led mediation. Based on that process, Pinedale is prepared to proceed to a settlement hearing based on revisions to the Original Proposal, as depicted on the attached drawings,

dated July 2, 2019 and as described below (the "Revised Proposal"), and we write to provide the following settlement offer for City Council's consideration.

1. Built Form:

- Building A: The podium height has reduced from 9 storeys to 6 and 7 storeys and the tower height has been reduced from 16 storeys to 14 storeys. The street wall of the podium has been extended southerly along Dufferin Street. An east-west pedestrian breezeway within the podium has been added to provide a pedestrian connection from Dufferin Street to the new north-south public street.
- Building B: The podium height has reduced from 6 and 9 storeys to 3 storeys and the tower height has been reduced from 23 storeys to 18 storeys. Grade-related units have been added within the extended portion of the podium along the new north-south public street and adjacent to the outdoor amenity space. The loading and parking garage accesses have been relocated from the east-west private driveway to the internal cul-de-sac.
- Townhouse Block: The townhouse block has shifted northerly and re-massed to accommodate the public park in the south west corner of the Pinedale Property.

2. Public Street:

- Pinedale will provide lands for a new 14.2 metre wide north-south public street, running along the west lot line of the Pinedale Property connecting to Playfair Avenue. The right-of-way consists of a 1.0 metre wide buffer from the property to the west, a 6.6 metre wide road, a 1.9 metre wide parking lay-by and 4.7 metre wide sidewalk. Once the new north-south public street on the Pinedale Property is constructed, the lands will be conveyed to the City and an easement will be reserved to allow Pinedale to access the public street until the City dedicates those lands as a public highway.
 - Pinedale will grant the City a temporary access easement (pedestrian and vehicular) over the 6.0 metre wide private east-west driveway and 2.1 metre wide east-west pedestrian walkway along the north lot line of the Pinedale Property until such time that the north-south street is dedicated as a public highway.
3. **Parkland Dedication:** A 448 square metre public park is proposed on the south west corner of the Pinedale Property. Please be advised that Pinedale may relocate the park further east on the Pinedale Property through the site plan approval process.
4. **Gross Floor Area:** The total gross floor area has decreased from 59,290.43 square metres to 55,929.43 square metres, including the existing apartment buildings, as calculated in accordance with Zoning By-law 569-2013, as amended. The total non-residential gross floor area has decreased from 611.82 square metres to 391.70 square metres.
5. **Density:** The resulting density (inclusive of the two existing buildings) has decreased from 3.67 FSI to 3.47 FSI, based on the gross site area and calculated in accordance with Zoning By-law 569-2013, as amended.

6. **Dwelling Units:** The total number of dwelling units has decreased from 798 to 732, consisting of 287 existing dwelling units and 445 new dwelling units:

- Building A – 238 dwelling units
- Building B – 207 dwelling units (including the 16 dwelling units in the townhouse block)

Please note that further refinement to the building floor plans are required and, as such, the dwelling unit count is subject to change.

7. **Tower Floor Plate:** The tower floor plates have a maximum gross construction area of 750 square metres, calculated in accordance with Zoning By-law 569-2013, as amended.

8. **Amenity Space:** Indoor and outdoor amenity space will be provided at a rate of 2 square metres per new dwelling unit, respectively.

9. **Parking:** Parking spaces will be provided at the following rates:

Parking Type	Rate Per Unit
Residential	0.68*
Visitor	0.12

**Each car share space to provide a net gain of 3 parking spaces towards parking requirement.*

Please note that an updated parking demand study may be undertaken to support reduced parking rates, which would be subject to the satisfaction of the City.

10. **Tenant Improvements:** The following improvements to the existing rental buildings are proposed, with no pass-through to existing tenants:

- a. Renovate lobby lounge;
- b. Refinish and paint indoor swimming pool;
- c. Renovate pool change rooms;
- d. Addition of outdoor seating area;
- e. Addition of outdoor bike racks;
- f. Relocate existing outdoor waste storage area indoors; and
- g. Improvements with respect to outdoor amenity areas, pedestrian walkways and new public park, as per architectural plans, dated July 2, 2019.

11. **Section 37 Contribution:** Pinedale will enter into Section 37 Agreement with the City, registered on title, to secure the following:

- a. The provision of a financial contribution to the City in the amount of \$1,000,000, which shall be allocated to community benefits serving the area, to the satisfaction of the Acting Chief Planner and Executive Director ("Chief Planner") in consultation with the Ward Councillor, to be payable as follows:

- i. \$500,000 to be payable prior to issuance of the first above grade building permit for Building A; and
- ii. \$500,000 to be payable prior to issuance of the first above grade building permit for Building B (including the townhouse block).

The indexing of value of the contribution in this paragraph will be from the date of execution of the Section 37 Agreement to the date of payment; and

- b. A minimum of 10% of the new dwelling units constructed on the Pinedale Property shall contain three or more bedrooms.

12. **Pre-conditions to LPAT Order:** The final order on the Zoning By-law Amendments and the Draft Plan of Subdivision for the Pinedale Property would be withheld until the satisfaction of the following pre-conditions:

- a. Pinedale and the City enter into a Section 37 Agreement to secure the obligations set out in paragraph 11 above, to the satisfaction of the City Solicitor;
- b. Pinedale and the City provide related Draft Plan of Subdivision conditions to the LPAT that address the technical requirements of the development;
- c. Pinedale submits a revised Functional Servicing Report and Stormwater Management Plan for the Pinedale Property, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- d. Pinedale and the City provide the final form of the Zoning By-law Amendments for the Pinedale Property, to the satisfaction of the City Solicitor.

In support of the Revised Proposal and this settlement offer, please find enclosed a copy of the revised architectural plans, prepared by IBI, dated July 2, 2019.

Should you have any questions about the foregoing, please contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Maggie Bassani

MB/

cc: Kim Kovar

36501974.5

AIRD BERLIS