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#### WITHOUT PREJUDICE

September 21, 2021

#### VIA EMAIL

Laura Bisset and Michael Mahoney Solicitors, Planning & Administrative Tribunal Law City of Toronto, Legal Services Division Metro Hall, 26th Floor 55 John Street Toronto, ON M5V 3C6

Dear Ms. Bisset and Mr. Mahoney:

RE: 6 Dawes Road (City of Toronto) Application for Zoning By-law Amendment Appeal of City of Toronto Official Plan Amendment No. 478 City File No. 19-253476 STE 19 OZ OLT Case Nos. PL210195 and PL200072 Offer to Settle OPA 478 Appeal

We are the lawyers for 6 Dawes Danforth Inc. ("**6DDI**"), being the owner of the property municipally known as 6 Dawes Road in the City of Toronto (the "**Property**").

The Property is generally rectangular in shape and is oriented in an east-west manner, with a site area of approximately 11,978.5 square metres. The eastern boundary of the Property fronts onto Dawes Road. The Property is currently occupied by a self-storage facility.

The Property has exceptional access to higher-order transit. More specifically, the Property is adjacent to the Metrolinx Rail Corridor and the Danforth GO Station, and it is within walking distance (less than 500 metres) from the Main Street Subway Station. A portion of the Property generally along the east boundary is currently subject to an easement to provide access to the rail corridor in favour of Metrolinx. The Property is designated *Mixed Use Areas* in the City of Toronto Official Plan (Map 20), and is located just south of Danforth Avenue, which is identified as an *Avenue* in the Urban Structure (Map 2).

As a matter of provincial and local Official Plan policy, the Property and the surrounding area is intended to facilitate significant growth and reurbanization in the form of mixed-use development, in order to promote the optimization of land use and infrastructure, most notably the significant transit infrastructure in the immediate area.



#### Official Plan Amendment No. 478

The Property is within the planning area identified for significant mixed-used development under Official Plan Amendment No. 478, which was adopted by City Council on December 17, 2019 ("**OPA 478**") and appealed by a number of landowners, including an appeal filed by 6DDI (the "**OPA 478 Appeal**"). As adopted, OPA 478 identifies the Property as being within the "Height Peak" area within "Character Area C" where the tallest heights are contemplated, given the proximity to the Danforth GO Station and Main Street Subway Station.

OPA 478 remains under appeal before the Ontario Land Tribunal (the "**Tribunal**") (OLT Case No. PL200072). Case Management Conferences for OPA 478 have been held on December 16, 2020 and May 11, 2021. A further Case Management Conference was held on September 20, 2021, and a final Case Management Conference is scheduled for January 31, 2022 in advance of the 30-day hearing scheduled to begin on April 4, 2022.

#### The Site-Specific Application and Appeal

On November 25, 2019, prior to OPA 478 being adopted by City Council, 6DDI submitted an application for a zoning by-law amendment for the Property (the "**ZBA Application**"). Following a series of comments received from City Staff during the application review process, 6DDI filed a revised proposal with the City on January 13, 2021 (the "**Revised Proposal**")

The Revised Proposal was appealed to the Tribunal on March 23, 2021 on the basis of City Council's refusal or neglect to make a decision on the ZBA Application within 90 days of the making of the application (the "**ZBA Appeal**"). A Case Management Conference for the ZBA Appeal was held before the Tribunal on May 14, 2021. A further Case Management Conference is scheduled for October 5, 2021.

#### Mediation and Settlement Proposals

The OPA 478 Appeal and the ZBA Appeal (collectively, the "**Appeals**") have been the subject of extensive mediation efforts with the City and the other appellants of OPA 478. Our client is proposing a global settlement of the Appeals with the City (the "**September Comprehensive Settlement**"). As requested, the September Comprehensive Settlement is being filed in two parts as follows:

- a separate settlement offer is being filed under separate cover in respect of the ZBA Appeal dated September 21, 2021 (a copy of which is enclosed herewith as Appendix "B") (the "September ZBA Settlement Offer"); and,
- 2. the within settlement offer is being filed in respect of the OPA 478 Appeal (the "**September OPA 478 Settlement Offer**").

As we understand, City Staff is now satisfied with the September ZBA Settlement Offer, including as it relates to the proposed built form and the organization of development on the Property as illustrated in the architectural plans enclosed therein.

The September ZBA Settlement Offer and September OPA 478 Settlement Offer are additional settlement options to those filed with the City on July 2, 2021.

As further described in the September ZBA Settlement Offer, the potential revised proposal includes a significant contribution of lands towards the westerly extension of Dawes Road from its current terminus (the "**Dawes Road Extension**").

In general, the September OPA 478 Settlement Offer is predicated on modifications to the version of OPA 478 adopted by City Council as set out in the draft revised OPA 478 attached as Appendix "A" of this OPA 478 Settlement Offer (the "**OPA 478 Modifications**").

Through the mediation process for the OPA 478 Appeals, 6DDI and the owners of (a) 10 and 30 Dawes Road and (b) 9 and 25 Dawes Road commissioned the Master Functional Servicing Report prepared by R.V Andersen dated June 25, 2021 (the "**MFSR**"), which outlines the water, sanitary, and stormwater upgrades necessary for the functional servicing of lands within the OPA 478 Study Area, including the Property. The update to the site-specific functional servicing report noted above is required in support of the Settlement Development, specifically, which will identify the specific upgrades set out in the MFSR that are required to support the Settlement Development (the "**FSR**").

This September OPA 478 Settlement Offer is conditional upon the City accepting the September ZBA Settlement Offer, and subject to all of the conditions and qualifications set out therein. Both the September OPA 478 Settlement Offer and the September ZBA Settlement Offer are conditional on the City approving the MFSR and FSR in advance of the Settlement Hearing and thereafter authorizing 6DDI, alone or in concert with other property owners, to undertake the work outlined in the MFSR necessary for the functional servicing of the Settlement Development. In the event that the MFSR and FSR have not been approved by the City in advance of the Settlement Hearing, then the parties will jointly request that the Tribunal impose a condition that such studies be completed to the satisfaction of the Chief Engineer & Executive Director, prior to the Tribunal Order issuing in respect of the OPA 478 Appeal.

In the event 6DDI undertakes servicing works which benefit other properties, 6DDI requests that City Council confirms its authorization at its meeting on October 1 and 4, 2021, of a development charge credit to the Owner in an amount equal to the cost of the improvements that are in excess of the improvements necessitated by and attributable to the Development, but not to exceed: i) the actual cost of the work identified in the Master Functional Servicing Report for Character Area C of OPA 478 that is undertaken by the Owner that is in excess of the improvements necessitated by and attributable to the bevelopment, so the improvements necessitated by and attributable to the Development for Character Area C of OPA 478 that is undertaken by the Owner that is in excess of the improvements necessitated by and attributable to the Development, and ii) the water, sanitary sewer, and storm water management components of the development charges applicable to the Development. 6DDI and the City shall enter into an agreement(s) to authorize 6DDI to construct the works identified in the MFSR and/or FSR.

This September OPA Settlement Offer is open until October 4, 2021, following which it will become null and void if not accepted. In this regard, this Settlement Offer is being submitted for consideration by City Council at its meeting on October 1 and 4, 2021.

If the September Comprehensive Settlement is accepted by City Council, 6DDI consents to the September Comprehensive Settlement and City Council's consideration thereof being made public provided that 6DDI advises that the Conditions (as defined in the September ZBA Settlement Offer) have been satisfied or otherwise waived by 6DDI.

Yours truly, Overland LLP

C-Per: Daniel B. Artenosi For: Partner

Encl.

c. H. Spriggs and S. Dejonckheere, 6 Dawes Danforth Inc.

Appendix "A"

Proposed Revisions to OPA 478

Authority: Toronto and East York Community Council Item  $\sim$  as adopted by City of Toronto Council on  $\sim$ , 20 $\sim$ 

Enacted by Council: ~, 20~

#### **CITY OF TORONTO**

#### Bill XXX

#### **BY-LAW XXX**

To adopt an amendment to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2019, as 2451-2763 Danforth Avenue; 2494-2774 Danforth Avenue; 143-315 Main Street; 124-308 Main Street; 2185-2225 Gerrard Street East; 2192-2210 Gerrard Street East; 90-76 Kimberly Avenue; and 6-30 Dawes Road.

Whereas authority is given to Council under the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law;

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto enacts:

1. The attached Amendment No. 478 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

Enacted and Passed this ~ day of ~, A.D. 20~.

Frances Nunziata,

Speaker

ULLI S. WATKISS, City Clerk

(Seal of the City)

#### AMENDMENT NO. 478 TO THE OFFICIAL PLAN

#### LANDS MUNICIPALLY KNOWN IN THE YEAR 2019 AS 2451-2763 DANFORTH AVENUE; 2494-2774 DANFORTH AVENUE; 143-315 MAIN STREET; 124-308 MAIN STREET; 2185-2225 GERRARD STREET EAST; 2192-2210 GERRARD STREET EAST; 90-76 KIMBERLY AVENUE; AND 6-30 DAWES ROAD

The Official Plan of the City of Toronto is amended as follows:

- 1. To amend Map 3 to extend Dawes Road generally 150 metres south of Danforth Avenue. This existing portion of Dawes Road will have a non-uniform width, to be retained as existing at the time of Plan adoption.
- 2. Schedule 2 of the Official Plan, The Designation of Planned but Unbuilt Roads, is amended by adding the following planned but unbuilt road:

Street Name	From	То
Dawes Road (extension)	Dawes Road terminus south of Danforth Avenue	Danforth Avenue

3. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 577 for lands known municipally in 2019 as 2451-2763 Danforth Avenue; 2494-2774 Danforth Avenue; 143-315 Main; 124-308 Main Street; 2185-2225 Gerrard Street East; 2192-2210 Gerrard Street East; 90-76 Kimberly Avenue; and 6-30 Dawes Road, as follows:

### 577. Main Street between Danforth Avenue and Gerrard Street East, and Danforth Avenue between Main Street and Dawes Road



1. Objectives

This Site and Area Specific Policy has the following objectives:

- 1.1 Establish a public realm structure of streets, parks, and open spaces that create opportunities for orderly development and intensification.
- 1.2 Establish a complete, mixed-use, mixed-income community with an appropriate land use mix that includes a full range of housing, retail and commercial uses, employment uses, community service facilities, public parks and open spaces.
- 1.3 Foster employment opportunities that support a vibrant local economy.
- 1.4 Establish a network of public streets and mid-block connections that create a highly permeable community with connections both within and to the surrounding area to support this complete community and create opportunities for redevelopment.
- 1.5 Organize through the future intensification and redevelopment opportunities contemplated in this SASP the complete community to have a network of programmable public parks, and open spaces such as Privately-Owned Publicly-Accessible spaces (POPS) interspersed to provide passive and active outdoor recreational opportunities for residents, employees, and visitors.
- 1.6 Promote opportunities for complete streets and active and safe transportation.

- 1.7 Provide built form and massing in good proportion that responds to existing built heritage resources. Built form will include mid-rise buildings as well as consistent, pedestrian-scaled base buildings punctuated by appropriately spaced towers. New development will fit within its existing and planned context.
- 1.8 Ensure land uses and built form are compatible with, support, and appropriately limit impacts on light, view and privacy to surrounding properties and neighbourhoods.
- 1.9 Conserve and promote cultural heritage resources.
- 1.10 Create a sustainable and resilient community with a focus on higher energy efficiency, lower greenhouse gas emissions, retaining stormwater, and enhancing the quality and quantity of biodiversity.
- 1.11 Promote integration of new development with public transit stations.
- 1.12 Promote design excellence and high quality architectural and landscape design through the effective use of resources, high-quality materials, innovative, sustainable and universally accessible design for development/redevelopment, public realm improvements, and parks and open space design.
- 2. Public Realm
- 2.1 Streets and Block Network
- 2.1.1 New development as contemplated in this SASP will create a walkable public street, private lane and/or midblock connection network as shown generally on Map 2A (Streets and Block Plan) and Map 4 (Parks and Public Realm Plan) that will improve pedestrian permeability, provide access and addresses for new development, and provide access for emergency vehicles and other City services. The precise location and configuration of the new public street and private lanes will be determined in association with future site-specific development applications.
- 2.1.2 The new public street as generally shown on Map 2A (Streets and Block Plan) will have an 18.5 metre right-of-way width, inclusive of the passenger pick-up and drop off described in Sections 2.1.4 to 2.1.6 of this SASP, when the new public street is fully constructed in accordance with this SASP.
- 2.1.3 Future site-specific development applications will be required to convey portions of the new public street described in Section 2.1.2, as such development is approved. The new public street may be constructed in stages, provided that it can be demonstrated, to the satisfaction of the General Manager, Transportation Services and the Chief Planner, that each stage of construction of the public street is safe and functional. An interim condition may be considered to allow public frontage and access to development sites and to the rail corridor.
- 2.1.4 The south side of the east-west extension and/or the west side of the north-south extension of the new public street as generally shown on Map 2A (Streets and Block Plan) will provide for a passenger pick-up and drop-off area of at least 10 spaces for the dedicated use of transit riders accessing the Lakeshore East GO rail corridor.
- 2.1.5 The passenger pick-up and drop-off area will provide for barrier-free spaces totalling no less than 12 metres in length per space, so that such barrier-free parking space can accommodate two vehicles.
- 2.1.6 Where adjacent to the passenger pick-up and drop-off area, sidewalk widths shall be no less than 4.1 metres. Where adjacent to the barrier-free spaces of the passenger pick-up and drop-off area,

sidewalk widths shall be no less than 2.1 metres, to accommodate access for specialized transit vehicles.

- 2.1.7 The north-south extension of the new public street as generally shown on Map 2A (Streets and Block Plan) will connect to the existing signalized intersection at Danforth Avenue.
- 2.1.8 The private lanes generally shown on Map 2A (Streets and Block Plan) will, as appropriate, provide vehicle, parking and servicing access, be publicly accessible, and should be designed with consideration for safe, accessible and comfortable pedestrian and cyclist movement.
- 2.1.9 Public streets will be designed with consideration for opportunities to interpret and commemorate the historic environment, including Indigenous histories related to Dawes Road, the Grand Trunk Railway yards and related industries, and Little York.
- 2.1.10 The existing east-west portion of Guest Avenue may be closed, and Guest Avenue extended southerly as a public lane within the 10-30 Dawes Road lands, to join the east-west extension of the new public street; in which case, the public lane will have a minimum right-of-way width of 6.4 metres (including curbs), will be conveyed to the City, and should be comfortable for pedestrian movement, safe, and publicly accessible. Additionally, if the existing east-west portion of Guest Avenue is closed and Guest Avenue extended southerly as a public lane, a woonerf walkway with a minimum width of 2.5 metres is required on the east side of the new lane within the 10-30 Dawes Road lands, which will be subject to a surface easement for public use. High quality soft landscaping and decorative pavers are encouraged on the woonerf.
- 2.2 Sidewalks and Midblock Connections
- 2.2.1 Public streets will generally have a total sidewalk width (i.e. curb to building face) of 6 metres, where a tall building is proposed, and a total sidewalk width of 4.8 metres, where a mid-rise or low-rise building is proposed.
- 2.2.2 Where there is a strong, legible, historic character of street-oriented buildings on or adjacent to a development site, narrower sidewalk widths than outlined in Section 2.2.1 may be considered. Minimum sidewalk widths may also be less than the required minimums where sidewalks are adjacent to properties on the Heritage Register.
- 2.2.3 Midblock connections, where feasible, should be comfortable for pedestrian movement, safe, and publicly accessible, improving connections to Main Street TTC Station and Danforth GO and ensuring permeability. Soft landscaping is encouraged on midblock connections.
- 2.2.4 Pedestrian connections to improve access to Main Street TTC Station and Danforth GO Station will be required through redevelopment.
- 2.2.5 The precise location and configuration of the new midblock connections, will be determined in association with future site-specific development applications.
- 2.3 Parks and Open Space
- 2.3 Parks and Open Space
- 2.3.1 New public parks and open spaces will be located as shown on Map 4 (Parks and Public Realm Plan). In particular:
  - a) a larger central public park will be located within the area outlined on Map 4 (Parks and Public Realm Plan), and more particularly, in the block bounded by the proposed North-South extension of Dawes Road, the proposed East-West extension of Dawes Road, Guest Avenue, as may be extended in accordance with policy 2.1.10, and Danforth

Avenue. The larger central public park will have frontage on a public street, and will be a focal point for the new community. It will provide opportunities for a mix of active and passive programming and promote social gathering; and

- b) another public park will have frontage on Danforth Avenue and will act as a mid-block connection from Danforth Avenue to Stephenson Park, as well as the neighbourhoods to the south.
- 2.3.2 The precise size, location and configuration of new public parks and open spaces will be determined through the development review process.
- 2.3.3 Assembling parkland dedications and parkland conveyances from more than one development will contribute to the creation of public parks. Parkland dedications and conveyances may be secured through landowner agreements, in conjunction with the City.
- 2.3.4 The location and design of public parks will be guided by the following objectives:
- a) have a functional size, shape and appropriate public street frontage to provide the greatest possible benefit to safety and visibility for those accessing the park or nearby POPS, and be seamlessly integrated and connected to the broader public realm;
- b) be developed as a focal point in the community, providing easy access for surrounding residents, workers and visitors;
- d) fit harmoniously within the planned built form context of each of the three Character Areas, allowing for relief between existing and new buildings;
- e) create a seamless relationship between streets, parks and other elements of the public realm;
- f) contribute to a pedestrian network that offers multiple mobility choices through mid-block connections linking various elements of the public realm;
- g) where possible, provide opportunities for expansion when adjacent properties redevelop;
- h) create spaces that provide visual interest and achieve design excellence;
- i) encourage public life through pedestrian amenities that foster social interaction, including a range of seating options, landscaping, active uses at grade and programming;
- j) provide site-specific place-making opportunities through public art, heritage interpretation and cultural expression, including celebrating Indigenous histories;
- k) support a community-based planning and design process for creating interesting and engaging parks that are safe, accessible, and comfortable;
- 1) accommodate people of all ages and abilities year-round;
- m) include green infrastructure that enhances the ecological function of the public realm, supports storm water management and promotes biodiversity, in accordance with best practices and standards;
- n) be designed and built with high-quality and durable materials that can be maintained and that support the intensity of use by residents, workers and visitors; and
- o) be designed for thermal comfort through maximizing sunlight access and minimizing wind impacts to improve usability, enjoyment and opportunities for vegetation growth.
- 2.3.5 Parkland provision will be considered in the following order of priority:
  - a) on-site dedication;
  - b) off-site dedication;
  - c) cash-in-lieu of parkland.
- 2.3.6 Where, as part of a development, an on-site parkland dedication is determined to not be technically feasible or desirable by the City, an off-site parkland dedication that is in the vicinity of the development site, or that contributes to the Parks and Public Realm Plan shown in Map 4 (Parks and Public Realm Plan), may be substituted for an on-site dedication prior to the consideration of cash-in-lieu of land, at the City's discretion.

- 2.3.7 Where parkland contributions are unable to provide for the new public parks as generally identified in Section 2.3.1 and on Map 4 (Parks and Public Realm Plan), alternative locations and configurations for public parkland may be considered, provided the alternative location and/or configuration meets Section 2.3.4 of this SASP.
- 2.3.8 Additional public parks and open spaces may be added to the network conceptually illustrated on Map 4 (Parks and Public Realm Plan), without amendment to this SASP, as opportunities arise.
- 2.3.9 Development abutting public parks will:
- a) achieve the required Ontario Building Code setbacks related to fire separation in order to allow the building and any of its exterior amenities to be provided and maintained on the development site;
- b) provide an appropriate interface between public and private lands;
- c) be oriented to maximize public access and views to the park;
- d) be designed to have an attractive façade with animated uses at grade;
- e) provide for casual overlook, increasing the passive surveillance and safety of the park;
- f) be located and designed to ensure wind conditions in parks are suitable for comfortable sitting and standing;
- g) be located and designed to minimize shadowing on parks; and
- h) avoid locating loading and servicing areas abutting parks; and where avoidance is not possible, loading and servicing areas abutting parks will be visually screened from the park.
- 2.4 Potential New Privately Owned, Publicly-Accessible Spaces (POPS)
- 2.4.1 Potential New POPS are strongly encouraged as part of new development. POPS should be strategically located in Character Area C as conceptually illustrated on Map 4 (Parks and Public Realm Plan). POPS provided through development will increase the variety of publicly-accessible spaces with a range of uses and amenities for the enjoyment of all users, and provide transitions between buildings and the public realm. POPS do not replace the need for new public parks.
- 2.4.2 The open space proposed to be adjacent to the rail corridor will be in keeping with all rail safety guidelines. This open space will provide unrestricted access to the general public and be a high quality, sustainable, attractive, and safe space. Its design should engage with the Lakeshore GO East rail corridor and protect for pedestrian connections to the rail corridor, to the satisfaction of the City in consultation with Metrolinx.
- 2.4.3 POPS will be guided by City's Design Guidelines for Privately-Owned, Publicly-Accessible Spaces (POPS).
- 3. Community Services and Facilities
- 3.1 New and/or improved community facilities will be required in order to achieve the amount and range of community services and facilities necessary to serve future growth as a result of greater intensification near higher order public transit.
- 3.2 Community services and facilities will be:
  - a) located in highly visible and accessible locations, on public streets with strong pedestrian, cycling and transit connections;
  - b) designed in a manner that promotes flexible multi-purpose facilities that can be adjusted to meet the varied and evolving needs of the complete community; and
  - c) delivered in a timely manner to support residential and non-residential growth.

- 3.3 Innovative approaches to providing community services and facilities will be encouraged, including shared uses and integrating facilities within private developments that maintain public accessibility.
- 3.4 Development that is phased will include required facilities as part of the first phase of development.
- 3.5 Community services and facilities priorities for the area governed by this SASP are listed below:
  - a) capital improvements to and/or the replacement of area libraries and community recreation centres, in particular those that would contribute to achieving increased or improved programming space;
  - b) securing space within developments for non-profit community-based organizations that are eligible for the City's Community Space Tenancy Policy; and
  - c) child care spaces.

Priorities may change or be expanded based upon monitoring and review of needs and demand as the area develops and/or changes.

- 3.6 Development will replace the total gross floor area of any existing on-site community services and facilities to ensure no net loss of community space. The replacement of any existing community services and facilities off-site will be at the City's discretion.
- 4. Sustainability and Resilience
- 4.1 New development will be strongly encouraged to achieve the highest level of the Toronto Green Standard, including achievement of near zero emissions and retention of 100% of rainfall and snowmelt.
- 4.2 Development will be encouraged to:
  - a) incorporate low-carbon/renewable thermal energy technologies such as geo-exchange and solar thermal systems, as well as heat recovery from sources such as sewers, data centres, and industry to reduce greenhouse gas emissions;
  - b) develop or incorporate connections to an existing or planned thermal energy network (district energy system);
  - c) integrate on-site renewable energy and electricity production to reduce electricity demand;
  - d) provide backup power for resilience to area-wide power outages informed by guidelines developed by the City; and
  - e) limit the loss of embodied energy and emissions contained within the existing building stock.
- 4.3 Owners of existing apartment buildings will be encouraged to renovate and retrofit older apartment buildings in order to reduce energy use and greenhouse gas emissions, absorb more stormwater, reduce urban heat island impacts and improve resilience, especially when proposing new infill development on their lands.
- 5. Parking and Loading
- 5.1 The following are encouraged to reduce parking demand:
  - a) car-share facilities; and

- b) shared parking among uses that have different peaking characteristics.
- 5.2 Parking facilities may be provided on the ground floor only if enclosed by active uses that face the public realm.
- 5.3 Above-grade parking structures may also be permitted in the base of buildings above the ground floor for development that abuts the rail corridor.
- 5.4 Developments adjacent to each other are encouraged to share consolidated access points from the public street or public laneways for parking and loading. Parking and loading entry areas will be designed to be integrated with the overall design of the façade.
- 6. Land Use
- 6.1 Non-residential uses that provide for employment opportunities are required in Employment Priority Areas, as shown on Map 3 (Employment Priority Area). Tall buildings within the Employment Priority Area must provide non-residential uses generally on the first and second floors, and are also encouraged to provide such uses on higher floors. Non-residential uses can include: office, commercial, community services and facilities, creative industry (e.g. music, arts, "makerspaces"), medical, tourism, cultural, institutional, studio, service, civic uses, and other uses to be determined through a site-specific Zoning By-law Amendment process. Uses required for the functionality of the building, such as elevators, lobbies, loading areas and parking ramps are also permitted on non-residential floors.
- 6.2 Active uses will be located along the ground floor of development with frontages along public streets, public parks, and privately owned, publicly-accessible open spaces. Active uses include, but are not limited to: retail uses, restaurants, commercial uses that service the local residents and workers, recreational and arts facilities, institutional uses, and building lobbies.
- 6.3 The amount, type and location of required non-residential uses for properties that abut the rail corridor will be determined through the rezoning process, having regard to rail safety and mitigation requirements and the limitations that may result for remaining areas within the base building. Where the non-residential uses required by Section 6.1 are not feasible, as a result of rail safety mitigation requirements, an amount of space, to be determined through the rezoning process, will be dedicated to other uses such as affordable housing, provided such uses conform with the policies of Section 10 of this SASP.
- 7. Built Form
- 7.1 Character Area A
- 7.1.1 Development in Character Area A, as shown on Map 5 (Mixed Use Character Areas Plan), will conform to those policies set out in Site and Area Specific Policy 552.
- 7.2 Character Area B
- 7.2.1 Development in Character Area B, as shown on Map 5 (Mixed Use Character Areas Plan), may be low-rise or mid-rise. The maximum building height will generally be no taller than the width of the adjacent right-of-way with appropriate transition to adjacent properties designated Neighbourhoods.
- 7.2.2 New and modified mid-rise buildings in Character Area B will employ setbacks, stepbacks, and angular planes in order to limit impacts on light, view and privacy to adjacent properties designated Neighbourhoods.

- 7.2.3 Mid-rise building design will have regard for the City of Toronto Council adopted Avenues and Mid-rise Building Study.
- 7.3 Character Area C
- 7.3.1 A planned function of Character Area C is to accommodate transit-supportive development. New development in Character Area C, as identified on Map 5 (Mixed Use Character Areas Plan), will include new tall buildings in slender towers with compact floor plates and new mid-rise buildings, where appropriate.
- 7.3.2 New tall buildings will:
  - a) appropriately limit physical impacts on lands designated *Neighbourhoods* in order to achieve compatibility in scale between buildings of different intensity, ensure appropriate access to sunlight and sky view, and appropriately limit shadows and overlook. This can be achieved using a variety of measures individually or in different combinations including, but not limited to, angular planes, stepping of heights, location and orientation of the building(s), the use of setbacks and step-backs of building mass, and separation distances;
  - b) have a tower floor plate no larger than 750 square metres unless it can be demonstrated that the impact of a larger floor plate (sunlight/shadow, transition, sky view and wind) can be appropriately mitigated;
  - c) appropriately limit shadow impacts on properties designated *Neighbourhoods* and new and existing public parks and open spaces, as well as appropriately limit shadow impacts on the sidewalk on the north side of Danforth Avenue;
  - d) provide appropriate tower setbacks from side and rear lot lines; and
  - e) provide appropriate separation between towers.
- 7.3.3 Mid-rise buildings located in Character Area C should provide appropriate transition to properties designated *Neighbourhoods*.
- 7.3.4 Tall and mid-rise buildings must meet the noise, vibration and rail safety standards in Sections 10.1, 10.2 and 10.3 of this SASP.
- 7.3.5 Mid-rise building design will have regard for the City of Toronto Council-adopted Avenues and Mid-Rise Building Study.
- 7.3.6 Tall building design will have regard for the City of Toronto Council-adopted Tall Building Design Guidelines.
- 7.4 Character Area D
- 7.4.1 Character Area D is illustrated on Map 5 (Mixed Use Character Areas Plan), and has a depth of 37.5 metres.
- 7.4.2 New development in Character Area D will not be subject to the policies of SASP 552, except that new development in Character Area D will have regard for the Danforth Avenue Urban Design Guidelines, and shall:
  - a) define appropriate streetwall heights through the use of stepbacks between a height of 8 metres to a maximum height of 14 metres, which will apply to the building façade on Danforth Avenue; and
  - b) accommodate sidewalk widths of a minimum of 4.8 metres from the face of the building to the street curb.

- 7.4.3 Where it can be demonstrated that lots in Character Area D have sufficient width, depth, and appropriate access for parking and servicing, building height above 14 metres may be considered by way of a Zoning By-law Amendment, provided that such development fits under a 45 degree angular plane, taken from the curb of the sidewalk on the north side of Danforth Avenue.
- 7.5 Transit Integration
- 7.5.1 Development adjacent to public transit is encouraged to integrate with public transit stations, such as Main Street TTC Station and Danforth GO Station. This integration should improve visibility, accessibility, and make efficient use of both private and public lands for the benefit of residents, workers, and visitors.
- 8. Heritage
- 8.1 A Heritage Impact Assessment will be submitted to the satisfaction of the City for any development proposed on or adjacent to those properties identified as potential built heritage resources on Map 6 (Potential Built Heritage Resources).
- 8.2 Properties on the Heritage Register, or properties adjacent to a property on the Heritage Register, will require additional consideration and alternate design solutions which may include additional setbacks, stepbacks and stepping down on building heights over and above the minimum site and urban design standards, and specialized material articulation and treatments.
- 9. Housing
- 9.1 New residential development will provide a diverse range and mix of housing options, including seniors housing and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.
- 9.2 To achieve a balanced mix of unit types, and to support the creation of housing suitable for families, development containing more than 80 new residential units will include:
  - a) a minimum of 10 per cent of the total number of units as three-bedrooms units; and
  - b) a minimum of 25 per cent of the total number of units as units with at least 2 bedrooms.
- 9.3 Indoor and outdoor amenity spaces provided in development containing residential uses are encouraged to be suitable for a range of households, including families with children and pet owners.
- 10. Noise, Vibration and Rail Safety
- 10.1 Noise and vibration studies submitted in support of development will specifically review the noise and vibration that will be reflected from the rail corridor to the properties surrounding the tracks as a result of the redevelopment of any new building to the tracks. The noise and vibration study will recommend mitigation measures for noise reflection and be implemented though the development by the owner.
- 10.2 New development adjacent to rail lines, spurs and yards must provide appropriate mitigation and safety features to implement the Federation of Canadian Municipalities (FCM) and the Railway Association of Canada (RAC) Guidelines for New Development in Proximity to Railway Operations.
- 10.3 New development adjacent to rail lines, spurs and yards must prepare a rail safety report that will be circulated to Metrolinx (or the appropriate rail authority) and reviewed to ensure that the proposed safety measures meet applicable rail safety standards.

- 11. Servicing
- 11.1 No proposed development shall proceed unless roads, sanitary sewers, watermains and storm sewers, adequate to service that development, are available or can be secured.
- 11.2 New development within Character Area C may be required to provide and pay for new infrastructure or improvements to existing infrastructure (including roads, sanitary and storm sewers, and watermains). Infrastructure requirements, construction, phasing, funding and methods of securing the infrastructure will be addressed as part of the approval of site-specific development applications. A cost-sharing agreement, front-ending agreement, Development Charge credits, or other similar mechanism(s) may be relied upon to finance any new infrastructure or improvements to existing infrastructure. Any Development Charge credit(s) will equal the cost of the improvements that are in excess of the improvements necessitated by and attributable to the development(s)/redevelopment(s), but not to exceed the applicable Development Charge Component, being one or more of Roads, Water, Sanitary Sewer and/or Storm Water Management, as the case may be; provided that the City and the landowner(s) have entered into a prior written agreement in relation to the Development Charge credit, in accordance with the City of Toronto Municipal Code Section 415-9(A).
- 11.3 New development will be required to assess and appropriately implement stormwater management on its site.
- 11.4 Despite Section 11.3, in Character Area C, opportunities may be investigated during the design and construction of the new public street, and POPS to incorporate facilities to manage stormwater, and to divert it from the City's storm sewers, where feasible.
- 11.5 Prior to development in Character Area C, a Master Functional Servicing Report will be required to be prepared by one or more applicant(s) for zoning by-law amendment or site plan approval within Character Area C, to the satisfaction of the City, which will identify any existing and new municipal infrastructure (including upsizing) required to support development(s) and/or redevelopment(s) proposed by such applicants in Character Area C, along with the municipal servicing impacts to the SASP area, and where applicable, for both interim and ultimate scenarios, including analyses of the sanitary/combined, storm and watermain networks. The Master Functional Servicing Report may, as appropriate, be updated over time as new developments and/or redevelopments are proposed within Character Area C. The Master Functional Servicing Report, as updated from time to time, may, and if requested by the City, will include an implementation strategy that identifies the required timing for upgrades, and/or a strategy for fair and equitable cost-sharing between the applicant(s) and, where appropriate, the City.
- 12. Implementation
- 12.1 For the purposes of Sections 2.1.1, 2.1.2, 2.1.3, 2.3.1 and 2.3.2 and 11 of this SASP, the existing land use permissions under site specific by-law 249-2000, respecting the lands known municipally in the year 2020 as 2681, 2701, 2721 and part of 2575 Danforth Avenue, and site specific by-law 161-2006, respecting the lands known municipally in the year 2020 as 245-275 Main Street, 2553-2575 and 2625 Danforth Avenue, will continue for the lands regulated by those by-laws. Further development or re-development in accordance with such by-laws will not be required to convey land for public street or public park purposes or to contribute to municipal infrastructure to support redevelopment in accordance with this SASP.
- 12.2 Notwithstanding Sections 2.1.1, 2.1.2, 2.1.3, 2.3.1 and 2.3.2 and 11 of this SASP, minor expansions beyond existing land use permissions, provided for in by-laws 249-2000 and 161-2006, are permitted to the existing retail and service uses on the lands known municipally in the year 2020 as 2681, 2701, 2721 and part of 2575 Danforth Avenue, and to the existing mixed-use buildings on the lands known municipally in the year 2020 as 245-275 Main Street and 2553-

2575 and 2625 Danforth Avenue, without the need to convey land for public street or public park purposes or to contribute to municipal infrastructure to support redevelopment in accordance with this SASP.

- 12.3 Despite Sections 12.1 and 12.2, the conveyance of land for public street and public park purposes shall not be required from the lands known municipally in the year 2020 as 2681, 2701, 2721 and part of 2575 Danforth Avenue until such time as site-specific application(s) for redevelopment of those lands, other than the redevelopment described in Sections 12.1 and 12.2, are made to redevelop the existing retail and service uses for mixed or single-use mid- or high-rise uses, as contemplated in this SASP.
- 12.4 To ensure that the value of the conveyance of lands for the north-south portion of the new public street, described in Section 2.1.2 and shown on Map 2A (Streets and Blocks Plan), is equitably shared among the landowners of the lands known municipally in the year 2020 as 2681, 2701 and part of 2575 Danforth Avenue; and 245-275 Main Street, 2553-2575 and 2625 Danforth Avenue; where one landowner is required to convey proportionally more lands than another landowner the value of the dedication will be compensated through cost-sharing or other agreements between the landowners.















Potential Built Heritage Resources

Not to Scale 05/26/2021

Appendix "B"

ZBA Settlement Offer (dated September 21, 2021)

Daniel B. Artenosi Partner Direct 416-730-0320 Cell 416-669-4366 dartenosi@overlandllp.ca Overland LLP 5255 Yonge St, Suite 1101 Toronto, ON M2N 6P4 Tel 416-730-0337 overlandllp.ca

overland

#### WITHOUT PREJUDICE

September 21, 2021

#### VIA EMAIL

Laura Bisset and Michael Mahoney Solicitors, Planning & Administrative Tribunal Law City of Toronto, Legal Services Division Metro Hall, 26th Floor 55 John Street Toronto, ON M5V 3C6

Dear Ms. Bisset and Mr. Mahoney:

RE: 6 Dawes Road (City of Toronto) Application for Zoning By-law Amendment Appeal of City of Toronto Official Plan Amendment No. 478 City File No. 19-253476 STE 19 OZ OLT Case Nos. PL210195 and PL200072 Offer to Settle ZBA Appeal

We are the lawyers for 6 Dawes Danforth Inc. ("6DDI"), being the owner of the property municipally known as 6 Dawes Road in the City of Toronto (the "Property").

The Property is generally rectangular in shape and is oriented in an east-west manner, with a site area of approximately 11,978.5 square metres. The eastern boundary of the Property fronts onto Dawes Road. The Property is currently occupied by a self-storage facility.

The Property has exceptional access to higher-order transit. More specifically, the Property is adjacent to the Metrolinx Rail Corridor and the Danforth GO Station, and it is within walking distance (less than 500 metres) from the Main Street Subway Station. A portion of the Property generally along the east boundary is currently subject to an easement to provide access to the rail corridor in favour of Metrolinx. The Property is designated *Mixed Use Areas* in the City of Toronto Official Plan (Map 20), and is located just south of Danforth Avenue, which is identified as an *Avenue* in the Urban Structure (Map 2).

As a matter of provincial and local Official Plan policy, the Property and the surrounding area is intended to facilitate significant growth and reurbanization in the form of mixed-use development, in order to promote the optimization of land use and infrastructure, most notably the significant transit infrastructure in the immediate area.



#### Official Plan Amendment No. 478

The Property is within the planning area identified for significant mixed-used development under Official Plan Amendment No. 478, which was adopted by City Council on December 17, 2019 ("**OPA 478**") and appealed by a number of landowners, including an appeal filed by 6DDI (the "**OPA 478 Appeal**"). As adopted, OPA 478 identifies the Property as being within the "Height Peak" area within "Character Area C" where the tallest heights are contemplated, given the proximity to the Danforth GO Station and Main Street Subway Station.

OPA 478 remains under appeal before the Ontario Land Tribunal (the "**Tribunal**") (OLT Case No. PL200072). Case Management Conferences for OPA 478 have been held on December 16, 2020 and May 11, 2021. A further Case Management Conference was held on September 20, 2021 in advance of the 30-day hearing scheduled to begin on April 4, 2022.

#### The Site-Specific Application and Appeal

On November 25, 2019, prior to OPA 478 being adopted by City Council, 6DDI submitted an application for a zoning by-law amendment for the Property (the "**ZBA Application**"). Following a series of comments received from City Staff during the application review process, 6DDI filed a revised proposal with the City on January 13, 2021 (the "**Revised Proposal**)

The Revised Proposal was appealed to the Tribunal on March 23, 2021 on the basis of City Council's refusal or neglect to make a decision on the ZBA Application within 90 days of the making of the application (the "**ZBA Appeal**"). A Case Management Conference for the ZBA Appeal was held before the Tribunal on May 14, 2021. A further Case Management Conference is scheduled for October 5, 2021.

#### **Mediation and Settlement Proposals**

The OPA 478 Appeal and the ZBA Appeal (collectively, the "**Appeals**") have been the subject of extensive mediation efforts with the City and the other appellants of OPA 478. As we understand, City Staff is now satisfied with the settlement proposal as set out below, including as it relates to the proposed built form and the organization of development on the Property as illustrated in the architectural plans described below and attached to this settlement offer as Appendix A.

Our client is proposing a global settlement of the Appeals with the City (the **"September Comprehensive Settlement"**). As requested, the September Comprehensive Settlement is being filed in two parts as follows:

- 1. a settlement offer is being filed in respect of the ZBA Appeal, being the within settlement offer dated September 21, 2021 (the "September ZBA Settlement Offer"); and,
- 2. a separate settlement offer (under separate cover) is being filed in respect of the OPA 478 Appeal dated September 21, 2021 (the **"September OPA 478 Settlement Offer"**).

The potential revised proposal, as more fully described below, includes a significant contribution of lands towards the westerly extension of Dawes Road from its current terminus (the "**Dawes Road Extension**").

The September OPA 478 Settlement Offer is conditional upon the City accepting the ZBA Settlement Offer and subject to all of the conditions and qualifications set out herein.

The September ZBA Settlement Offer and September OPA 478 Settlement Offer are additional settlement options to those filed with the City on July 2, 2021.

#### The ZBA Settlement Offer

The ZBA Settlement Offer contemplates that the proposal will be revised to permit the following (Nos. 1-11 below are collectively referred to as the **"Settlement Development"**):

- 1. The redevelopment will be mixed-use and the implementing zoning by-law amendment will permit a maximum gross floor area of 103,300.0 square metres, comprised of a maximum residential gross floor area of 103,200.0 square metres and a minimum non-residential gross floor area of 135.0 square metres. The calculation of the gross floor area of the development will not include areas that are dedicated to residential amenity, mechanical, bicycles, storage and areas for parking above or below grade, amongst others.
- 2. The built-form of the three tower components will consist of the following:
  - a. a maximum height of 29 storeys and 103.83 metres for Tower 1, inclusive of the mechanical penthouse with a height of 7.45 metres which shall be set back a minimum of 5.0 metres from the western face of Tower 1, (measured from an Average Grade of 130.75 ASL);
  - a maximum height of 39 storeys and 133.83 metres for Tower 2, inclusive of the mechanical penthouse with a height of 7.45 metres, (measured from an Average Grade of 130.75 ASL);
  - c. a maximum height of 37 storeys and 127.93 metres for Tower 3, inclusive of the mechanical penthouse with a height of 7.45 metres (measured from an Average Grade of 130.75 ASL);
  - d. the number of storeys shall not exceed 39 storeys anywhere on site;
  - e. a maximum podium height of 6-storeys along the north and west elevation and 10storeys between Towers 1-3;
  - f. a maximum floor plate of 791 square metres for Tower 1 and 850.0 square metres for Towers 2 and 3; and,
  - g. a minimum tower separation of 25.0 square metres between Towers 1, 2 and 3.

(collectively, the "Western Component").

3. The built-form of the mid-rise component sited to the east of the POPS (as defined below) will consist of the following:

- a. a maximum height of 65.65 metres (measured from an Average Grade of 130.65 ASL); and,
- b. a maximum podium height of 4-storeys along the north elevation and 6-storeys along the south elevation,

#### (the "Mid-Rise Component).

- 4. The Settlement Development will contain market rental housing without restriction for a period of 20 years in an amount not less than 15,500 square metres (the "Rental Component"). The location of the Rental Component will determined through the site plan approval process to the satisfaction of the Chief Planner. For greater certainty, nothing contained herein is intended to prevent 6DDI from providing additional rental housing beyond the Rental Component, at its sole discretion, it being recognized that the specific tenure of the Settlement Development, in whole or in part, will be determined by 6DDI at a future date.
- 5. Parking for residential uses shall be provided at a rate of 0.18 parking spaces per unit for resident parking and 0.03 parking spaces per unit for visitor parking, and parking for retail uses shall be provided at a rate of 1.0 parking space per 100 square metres, all of which may be provided in a public parking garage on the Property, which may also be provided in an automated parking system. The proposed reduction in parking rates will be supported by a comprehensive Transportation Demand Management Plan submitted to the satisfaction of the Chief Planner, and secured in the Section 37 Agreement.
- 6. The minimum unit mix thresholds for the Settlement Development as a whole will include a minimum of 20% 2 bedroom units and 10% 3 bedroom units, and the Rental Component itself will achieve this minimum unit mix threshold.
- 7. The proposal will incorporate a privately-owned publicly accessible space ("POPS") with a size of 503.0 square metres and be located to the west of the Mid-Rise Component. The POPS area will have a width of 22.0 metres. The POPS will further facilitate a potential mid-block connection. A pedestrian access easement over the POPS will be conveyed to the City with the timing of conveyance to be determined at the time of site plan approval for the first phase of development, and which will recognize that should the easement be conveyed prior to the final phase of development being complete, it shall not operate or in any way restrict 6DDI from continuing ongoing staging on and construction of the POPS or the Settlement Development, and that 6DDI shall be permitted to restrict public access over the POPS until, at the latest, the final phase of development is completed at no cost to 6DDI. The proposal will incorporate a 1,400.0 square metre unencumbered on-site parkland dedication (the "Park") which will be located to the east of the Mid-Rise Component. The Park will provide the greater of a 5.0 metres setback or the setback required for fire separation purposes under the Ontario Building Code to the Mid-Rise Component, and be improved to at least Base Park Condition (as defined in Appendix "B" of this Zoning Appeal Settlement Offer), to the satisfaction of the General Manager, Parks, Forestry and Recreation. The Park will be conveyed to the City prior to the earlier of first occupancy in the case of a rental building, or condominium registration, for the Mid-Rise Component. Prior to conveyance, 6DDI agrees to the registration of a Section 118 restriction on the Park lands, which will be secured in the Section 37 Agreement. The

balance of the parkland dedication requirements that apply to the Settlement Development, if any, shall be satisfied by way of a cash-in-lieu payment, calculated in accordance with Chapter 415, Article III, of the Municipal Code, and paid prior to the issuance of the first Above-Grade Building Permit for the Settlement Development. The Owner will commit to the obligations in the course of designing, constructing and installing the Base Park Improvements as generally set out in Appendix "C".

- 8. The Owner agrees to design and construct Above Base Park Improvements to the Park lands, in exchange for a Development Charge credit against the Parks and Recreation component of the Development Charges, to the satisfaction of the General Manager, PFR. The Development Charge credit shall be in an amount that is the lesser of the cost to the Owner of installing the Above Base Park Improvements, as approved by the General Manager, PFR, and the Parks and Recreation component of Development Charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.
- 9. The proposal will include a portion of the Dawes Road Extension. The alignment is further discussed below. 6DDI will develop the portion of the Dawes Road Extension on the Property as a private interim condition to service the Settlement Development, and will provide both a pedestrian and vehicular access easement and a public utilities easement over and under these lands through the site plan approval process. 6DDI agrees to the registration of a Section 118 restriction against these lands until they are conveyed to the City as a public right of way which will occur once the full right of way is constructed through the redevelopment process for the lands to the north. The specific timing and agreement to convey said lands will be set out in the implementing Section 37 Agreement.
- 10. 6DDI will enter into a Section 37 Agreement to secure the following community benefits:
  - a. a cash contribution of \$7,300,000 to be paid prior to the issuance of the first abovegrade building permit for the Settlement Development, which is to be allocated towards a new community recreation centre or such other public benefits that are to be determined by the City in consultation with the local councillor;
  - b. \$66,667.00 toward a streetscape improvements study for Main Street in proximity to the Property, which will include the intersections of Main Street and Danforth Avenue and Main Street and Gerrard Street; and,
  - c. Subject to No. 11(f) below, an in-kind contribution in the form of the conveyance in fee simple to the City of affordable housing units (the "**Affordable Housing**") in the first phase of development, to the satisfaction of the Chief Planner and the City Solicitor, as follows:

Description of Affordable Housing Provision at 6 Dawes Road										
Total Area	4,600.00 square feet									
	Growing Up Guideline	Unit Sizes (Conceptual)	Number of Units	Totals						
3 bedroom	1076-1140 sf.	1085 sf.	1	1085 sf.						
2 bedroom	936-969 sf.	940 sf.	2	1880 sf.						
1 bedroom	n/a	545 sf.	3	1635 sf.						
Totals			6	4600 sf.						
Design Terms	The affordable located on the the east block of the Rail Safe through the site In all instances and use of com parking). The A but will not be a	housing units (" lowest two resid of the 6 Dawes of ety Zone), with the plan approval p residents of the mon amenities AH units will have assigned vehicul	AH units") will ential floors of development, fa be final location process. AH units shal in the building e access to bic ar parking spa	be contiguou either the we acing north (c n to be detern I have full acc (including vis ycle parking s ces or storag	is, st or butside nined cess itor spaces, e units.					

d. Notwithstanding (c) above, the Section 37 Agreement shall recognize that 6DDI shall have the right to convey the Affordable Housing at later phase of the Settlement Development, with the specific timing/phasing to be determined through the site plan approval process, provided that 6DDI provides the City with a letter of credit in an amount equal to \$2,700,000 to secure the Affordable Housing prior to the first above-grade building permit for the first phase of development. The letter of credit shall be indexed from the date of execution of the Section 37 Agreement.

The cash contributions shall be subject to upwards indexing from the date of the execution of the Section 37 Agreement to the date of payment.

The Section 37 Agreement shall be subject to terms that provide for unwinding in the event that the development contemplated herein is frustrated by other planning decisions, including pending or future matters before the Tribunal.

The Settlement Development does not provide a direct connection to the GO Station Building or Main Street. However, the POPS has been designed to allow access to the GO Station Platform to the south of the Property in the event that Metrolinx facilitates such connection on its lands in the future.

The Settlement Development is predicated on the development being excluded from a potential future inclusionary zoning by-law and that the approval of the implementing zoning by-law amendment will trigger the transitional provision under s. 37.1(3) of the Planning Act such that the Settlement Development will not be subject to a potential future community benefits by-law passed under s. 37 of the Planning Act (as amended by Bill 197, the COVID-19 Economic Recovery Act, 2020), but it is acknowledged that Section 37.1 of the Planning Act is determinative of transitional matters. The Settlement Development is further predicated on the parkland dedication requirements applicable to the Settlement Development under s. 42 of the Planning Act, and the City of Toronto Parkland Dedication By-law contained in Chapter 415 of the Municipal Code as of the date of this Zoning Appeal Settlement Offer. 6DDI fully reserves its rights to reconsider and seek revisions to the terms and components of the Settlement Development in the event that it is required to provide affordable housing pursuant to the City's future inclusionary zoning by-law, or to pay a community benefits charge pursuant to the City's future community benefits charge by-law, or if the parkland dedication requirements applicable to the Settlement Development are subsequently increased beyond those in force as of the date of this ZBA Settlement Offer. It is acknowledged that if 6DDI reconsiders and seeks revisions to the terms and components of the Settlement Development, the City reserves its right to likewise reconsider its position with respect to the Settlement Development. For greater certainty, nothing in this ZBA Settlement Offer is intended, nor will it operate, to fetter City Council's legislative discretion, or to contract out of the transition provisions of the Planning Act and its Regulations with respect to inclusionary zoning and community benefits charges.

6DDI relies on the following materials for the assessment of the Settlement Development:

- 1. the architectural plans and drawings prepared by BDP Quadrangle dated September 1, 2021 and attached as Appendix A:
  - a. Drawing A100 Statistics & Context Plan
  - b. Drawing A101 Site Plan
  - c. Drawing A402 South Elevation

(the "Settlement Plans").

It is anticipated that the remainder of the architectural set of plans will be available to present to City Council at the October 1, 2021 City Council meeting.

#### Other Matters

As part of our discussions, 6DDI and City Staff have agreed that in the event that the Settlement Development is accepted by City Council, the parties will work expeditiously to resolve any outstanding matters including the submission and review of supporting studies and the form of the implementing zoning by-law amendment, which will be updated to reflect the Settlement Development in advance of the hearing before the Tribunal, and shall be comprised of updates to the following documents and plans, to the satisfaction of the City Solicitor, the Chief Planner and/or Chief Engineer, as identified below:

- 1. Draft Zoning By-law Amendment (Chief Planner and City Solicitor);
- 2. Site-Specific Functional Servicing Report and Phase 1 Stormwater Management Report (Chief Engineer);
- 3. Grading and Servicing Plans (Chief Planner and Chief Engineer);
- 4. Rail Safety Report (Chief Planner);
- 5. Noise and Vibration Report (Chief Planner and Chief Engineer);
- 6. Architectural Plans (Chief Planner);
- 7. Landscape Plans (Chief Planner); and,
- 8. Traffic Impact Study (Chief Engineer).

The undertaking described herein will include the parties working in good faith to execute the implementing Section 37 Agreement, so that all matters can be resolved in order for the Tribunal Order to issue prior the hearing on the merits of the ZBA Application and Settlement Development with a final outside date of March 1, 2022 for completion of such matters. If any matters remain outstanding at that time, the parties will work in good faith to develop preconditions that are to be satisfied prior to the Tribunal Order issuing, and to thereafter work expeditiously to resolve such preconditions.

Through the mediation process for the OPA 478 Appeals, 6DDI and the owners of (a) 10 and 30 Dawes Road and (b) 9 and 25 Dawes Road commissioned the Master Functional Servicing Report prepared by R.V Andersen dated June 25, 2021 (the "**MFSR**"), which outlines the water, sanitary, and stormwater upgrades necessary for the functional servicing of lands within the OPA 478 Study Area, including the Property. The update to the site-specific functional servicing report noted above is required in support of the Settlement Development, specifically, which will identify the specific upgrades set out in the MFSR that are required to support the Settlement Development (the "**FSR**").

The settlement of the Appeals is predicated on the City approving the MFSR and FSR in advance of the Settlement Hearing and thereafter authorizing 6DDI, alone or in concert with other property

owners, to undertake the work outlined in the MFSR necessary for the functional servicing of the Settlement Development. In the event that the MFSR and FSR have not been approved by the City in advance of the Settlement Hearing, then the parties will jointly request that the Tribunal impose a condition that such studies be completed to the satisfaction of the Chief Engineer & Executive Director, prior to the Tribunal Order issuing in respect of the ZBA Appeal.

In the event 6DDI undertakes servicing works which benefit other properties, 6DDI requests that City Council confirm its authorization at its meeting on October 1 and 4, 2021, of a development charge credit to the Owner in an amount equal to the cost of the improvements that are in excess of the improvements necessitated by and attributable to the Development, but not to exceed: i) the actual cost of the work identified in the Master Functional Servicing Report for Character Area C of OPA 478 that is undertaken by the Owner that is in excess of the improvements necessitated by and attributable to the Development, sever, and storm water management components of the development charges applicable to the Development. 6DDI and the City shall enter into a Municipal Infrastructure Agreement(s) to authorize 6DDI to construct the works identified in the MFSR and/or FSR.

This ZBA Settlement Offer is conditional upon the following:

- 1. 6DDI and Metrolinx agreeing upon legal arrangements to provide for a temporary closure of the existing easement over the Property;
- 2. 6DDI achieving a global settlement with Metrolinx in respect of the Settlement Development, including, without limitation, the Settlement Plans; and,
- 3. The parties proceeding to seek approval of the ZBA Application before the OLT at the case management conference scheduled on October 5, 2021,

(collectively, the "Conditions").

The Conditions are inserted for the benefit of 6DDI and our client reserves its right to waive the Conditions, in whole or in part, at is sole and absolute discretion.

This Zoning By-law Appeal Settlement Offer is open until October 1, 2021, following which it will become null and void if not accepted. In this regard, this Settlement Offer is being submitted for consideration by City Council at its meeting on October 1 and 4, 2021.

If the September Comprehensive Settlement is accepted by City Council, 6DDI only consents to the September Comprehensive Settlement and City Council's consideration thereof being made public if 6DDI advises that the Conditions have been satisfied or otherwise waived by 6DDI.

Yours truly, Overland LLP

<del>Per:</del> Daniel B. Artenosi <sup>For:</sup> Partner

Encl.

c. H. Spriggs and S. Dejonckheere, 6 Dawes Danforth Inc.

### Appendix "A"

Architectural Plans prepared by BDP Quadrangle dated September 1, 2021



				SUITE MIX			Pos	Non Boo	1			
(Non-F	Res)	Studio	1 Bdrm	2 Bdrm	3 Bdrm	Total	Saleable	Leasable		Notes:		
	sf	Studio	1 Burni	2 Duilli	5 Durin	Suites	Area (sm) Area (sm)					
0.0	0	0	0	0	0	0	0 00		GBA not count	ed for MPH level		
0.0	0	0	0	0	0	0	0 0		GBA not count	ed for MPH level		
0.0	0	1	7	2	1	11	679 0		JIGBA not counted for MPH level			
0.0	0	17	119	34	17	187	11,543 0					
0.0	0	1	8	2	1	12	732 0		1			
0.0	0	27	216	54	27	324	19,764 0					
0.0	0	1	7	3	1	12	728 0					
0.0	0	25	175	75	25	300	18,200	3,200 0				
0.0	0	2	14	3	2	21	1,253	0	GBA & GFA no	ot counted for "Open To Below"		
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0.0	0	3	37	7	5	52	3,481	0				
0.0	0	3	37	7	5	52	3,481	0	1			
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0.0	0	0	0	14	6	20	2,145	0	GBA & GFA no	ot counted for "Open To Below" or "Automated Parking System"		
0.0	0	0	0	14	6	20	2,145	0	GBA & GFA no	ot counted for "Open To Below" or "Automated Parking System"		
0.0	0	0	0	14	0	20	2,045	0	GBA & GFA IIC	at counted for "Open To Below" of Automated Parking System"		
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	-	-				-	-	-				
0.0	0	85	663	248	117	1,113	72,455	0				
0.0							0	0	GBA & GFA no	ot counted for below grade area		
0.0	0	0	0	0	0	0	0	0	GBA not count	ed for MPH level		
0.0	0	11	10	3	1	15	935	0				
0.0	0	1	110	33	11	165	10,285	0.0				
0.0	0	1	5	1	1	4	508	0.0	GBA & GEA not counted for "Open To Below" or "Automated Parking System"			
0.0	0	0	4	2	1	7	539	0.0	GBA & GFA not counted for "Open To Below" or "Automated Parking System"			
0.0	0	0	4	2	1	7	539	0.0	GBA & GFA no	ot counted for "Open To Below" or "Automated Parking System"		
0.0	0	0	0	0	0	0	0	0.0	GBA & GFA no	ot counted for "Open To Below" or "Automated Parking System"		
39.4	1,501	0	0	0	0	0	0	139.4				
20.4	1 501	10	106	20	14	101	12 092	120	a			
33.4	1,301	15	120	50	14	131	12,005	155				
0.0							0	0	GBA & GFA no	ot counted for below grade area		
							84,538	139	TOTALS			
39.4		98	789	286	131	1,304						
		7.5%	60.5%	21.9%	10.1%	100%	% of Suite I	ype				
			Ava Sizo	Smallast	Largart Siza	Size Refe	renced in	Total No. of	Unite Monting			
		Unit Type	(sm)	Size (sm)	(sm)	Growing Up	Guidelines	Growing U	n Guidelines			
			()		(	(si	n)	U				
		STUDIO	42.4	42.0	43.0	N,	/A	1	N/A			
		1B	56.9	42.0	64.0	N	/A	r I	N/A			
		2B	78.4	62.0	123.0	9	0		10			
		3B	102.0	77.0	161.0	10	06		27			
		Open Space										
0.04	POPS 01 Backland Dedication								503.00	sm		
0.01		Parkland Ded	lication						1,400.00	Sm		
		Site Area										
		Total Property	d Developma	ant Site Area					11 078 00	m		
		Future Public	Road Convey	vance					1,914.00	sm		
		Metrolinx Tra	nsfer	,					222.00			
		Remaining Si	te Area after I	Public Road (	Conveyance a	nd Metrolinx	Transfer		9,842.00	sm		
ated na	rkina sve	tem, mechani	cal penthouse	below ared	and terrace							
ne roon	is, below-	grade mecha	nical and elec	trical rooms,	shower and c	hange facilitie	es for cyclists,	indoor				





		Description	Description of			1	WERT RI OOK			1	EAST DI OSK				f
		Required	Provided				WESTBLOCK		<b>_</b>		EAST BLOCK			<b>_</b>	
				Gr Gr Ex	t. L2			Required	Provided				Required	Provided	
(0.9/unit)	0.90 x 1,113	1,002	1,002	0	0 1,002		Residential				Residential				
(0.1/unit)	0.10 x 1,113	112	112	112	0 0		> 400 Dwelling Units	Type G 1	1	U U	< 400 Dwelling Units	Type G	1	1	
						ΰ		Type C or B 1	1	ò		Type C or B	0	0	
						1 2				2					
		1,114	1,114			<u> </u>	Retail 0.00 sm	Type B 0	0	B	Retail 139 sm	Type B	0	0	
						S		Type C or B 0	0	ST		Type C or B	0	0	
		Required	Provided			۳.	ΤΟΤΑΙ		2	L ₹	τοτΑι	.,,	1	1	
		Required	Troviaca			1 7	IOIAL	2	2		TOTAL		,	'	
(0.0/!!)	0.00 101	170	470	GIGIEX	a. LZ	8		000	000	5		<b>T</b>	04	04	
(0.9/unit)	0.90 x 191	172	1/2	0	0 1/2	ĭ ĭ	Garbage Room Size (Residential only)	298 sm	298	Š.	Garbage Room Size (Residential only)	Tower 4	64 SM	64	
(0.1/unit)	0.10 x 191	20	20	20	0 0					2					
						L ₹				d A					
		192	192				Bulk Waste Storage Room	10 sm	10 sm		Bulk Waste Storage Room		10 sm	10 sm	
						l μ				ů ž					
		1,306	1,306			ā				ā					
						I 8				ð					
s - Non-Residential						Ľ									
r gender required		0	0												
icycle spaces required =		0	0												
leycle spaces required -		0	0												
															-
											I				_
		Required	Provided				INTERIOR Amenity Calcs per Floor	EXTERIOR Amenity Calcs	per Floor						
							WEST BLOCK	WEST BLOCK							
ity = 4.0 sm/dwelling unit	4 x 1,113	4,452	4,452.00 sm	ı		Z	floor 1 672								
						18	floor 2 412								
(min 2.0 sm/dwelling unit)	2 x 1,113	2,226	3,472.00 sm	ı		ĕ	floor 6 1,609								
om Gross Floor Area	2 x 1,113	2,226	2,226.00 sm	ı		Ť	floor 11 779	floor 11	980						
(min 40 sm)			980.00 sm	ı		l W	West Block Subtotal 3.472 sm	West Block Subtotal	980 sm						
(		L								ŝ					
		Pequired	Provided			빙	EAST BLOCK	EAST BLOCK		E					
		Nequired	FIONIGED			٦ ۲	LAGT BLOOK	LAGY BLOOK		ž					
:	4 404	704	764.00	_		5	flana 0. 000	flann G	200						
ity – 4.0 sm/dweiling unit	4 X 191	/04	764.00 Sfr	I		I≿	1001 0 382		302						
						z	East BIOCK Subtotal 382 sm	Last Block Subtotal	382 sm	4					
(min 2.0 sm/dwelling unit)	2 x 191	382	382.00 sm	ı		I H									
om Gross Floor Area	2 x 191	382	382.00 sm	ı		<b>A</b>									
(min 40 sm)			382.00 sm	ı											
-		L													



on of	CLF DENOTES CHAIN LINK FENCE CONC. DENOTES CONCRETE CF DENOTES CONCRETE FOUNDATION BR DENOTES BRICK	DENOTES SURVEY MONUMENT FOUND DENOTES SURVEY MONUMENT PLANTED SIB DENOTES STANDARD IRON BAR
ND 16	CPAD DENOTES CONCRETE PAD CSW DENOTES CONCRETE SIDEWALK FFE DENOTES FINISHED FLOOR ELEVATION	SUB DENOTES SHORT STANDARD TRON BAR     DENOTES UNABLE TO MONUMENT     CC DENOTES CUTCROSS     CD DENOTES CONCRETE DIN
ND 12	(CBL)     DENOTES CONCRETE BLOCK       (FR)     DENOTES FRAME       (MTL)     DENOTES METAL       (Tc)     DENOTES TOP OF CONCRETE CURB	(M) DENOTES MEASURED (S) DENOTES SET (OU) DENOTES ORIGIN UNKNOWN (WT) DENOTES WITNESS
CT257894)	(Tw) DENOTES BOTTOM OF WALL (Bw) DENOTES BOTTOM OF WALL SV DENOTES SPRINKLER VALVE SCV DENOTES SPRINKLER CONTROL VALVE WP DENOTES WOOD PLANTER BOX CPL DENOTES CONCRETE PILLAR	(P) DENOTES PLAN 64R-16200 (P1) DENOTES PLAN 64R-16517 (P2) DENOTES SURVEYOR'S REAL PROPERTY REPORT BY YATES AND YATES LIMITED, O.L.S. DATED AUGUST 18, 1995. (P3) DENOTES PLAN 64R-16318
BAY	SILL DENOTES DOOR SILL	<ul> <li>(P4) DENOTES PLAN 64R-16718</li> <li>(P5) DENOTES PLAN 64R-14744</li> <li>(P6) DENOTES PLAN 63R-1144</li> <li>(P7) DENOTES BUILDING LOCATION SURVEY BY HOLDING &amp; JONES LIMITED, O.L.S.</li> </ul>
	<ul> <li>DENOTES AREA DRAIN</li> <li>DENOTES BELL MANHOLE</li> <li>BMH</li> <li>DENOTES BELL POLE</li> </ul>	DATED OCTOBER 30, 1987 (REVISED NOVEMBER 23, 1987 AND AUGUST 2, 1988) (P8) DENOTES PLAN 66R-19668 (P9) DENOTES PLAN OF SURVEY SHOWING TOPOGRAPHICAL INFORMATION BY KRCMAR SURVEYORS LTD., 0.L.S.
	BOL DENOTES BOLLARD     DENOTES CATCH BASIN     CB     CLM     DENOTES CONCRETE COLUMN	DATED MAY 8, 2003 REVISED JUNE 3, 2020 (FILE: 03-023TB.dwg) (P10) DENOTES PLAN 66R-25462 (P11) DENOTES PLAN 66R-14771 (P12) DENOTES PLAN 66R-30429
	DENOTES CONCRETE COLUMN DENOTES DECIDUOUS TREE WITH TRUNK DIAMETER	(PT7) DENOTES SURVEYOR'S REAL PROPERTY REPORT BY MICHAEL J. CLANCY SURVEYING LTD., O.L.S. DATED MARCH 27, 2012 (FILE No. 2012–15)
05	DENOTES DOWN GUY ANCHOR     DENOTES FIRE HYDRANT	<ul> <li>(P18) DENOTES EXPROPRIATION PLAN 12106</li> <li>(P19) DENOTES SURVEYOR'S REAL PROPERTY REPORT BY MICHAEL J. CLANCY SURVEYING LTD., O.L.S.</li> </ul>
	<ul> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>Ø<sup>GV</sup></li> <li>DENOTES GAS VALVE</li> </ul>	DATED OCTOBER 29, 1994 (FILE No. 95–55) (P21) DENOTES PLAN 63R–1328 (P22) DENOTES PLAN OF SURVEY BY McCONNELL MAUGHAN LIMITED, O.L.S. DATED FEBRUARY 5, 1986 AND
DID IHE NDS (NOW DIDING & MBER 23,	Image: Comparison of the compar	FIELD NOTES DATED FEBRUARY 3, 1986 (P23) DENOTES BUILDING LOCATION SURVEY BY W.S. GIBSON AND SONS LIMITED, O.L.S. DATED JULY 31, 1987
D CITY OF	<sup>HMH</sup> ● <sup>HP</sup> denotes hydro pole ● <sup>HP/LS</sup> denotes hydro pole with lamp standard	(P24) DENOTES PLAN OF SURVEY SHOWING TOPOGRAPHICAL INFORMATION BY KRCMAR SURVEYORS LTD., O.L.S. DATED DECEMBER 5, 2018 (FILE: 03-023BT02.dwg)
. for meries.	<sup>TL/LS</sup> DENOTES TRAFFIC LIGHT WITH LAMP STANDARD <sup>TL/LS</sup> DENOTES LAMP STANDARD	<ul> <li>(P25) DENOTES PLAN OF SURVEY SHOWING TOPOGRAPHICAL INFORMATION BY KRCMAR SURVEYORS LTD., O.L.S.</li> <li>DATED APRIL 4, 2019 (FILE: 03-023BT03.dwg)</li> <li>(P26) DENOTES PLAN BY THE MUNICIPALITY OF METROPOLITAN TOPONTO</li> </ul>
END	DENOTES MANHOLE P <sup>SN</sup> DENOTES SIGN	CONTROL DEPARTMENT OF ROADS AND TRAFFIC, SURVEY SECTION DATED JANUARY 11, 1978 (FILE: L-158-42) (CNR) DENOTES CANADIAN NATIONAL RAILWAY COMPANY
	₩ <sup>VV</sup> DENOTES WATER VALVE — × — DENOTES FENCE — •/+ — DENOTES HYDRO SERVICE (OVERHEAD) • • • • • • • • • • • • • • • • • • •	<ul> <li>(1075) DENOTES HOLDING AND JONES LIMITED, O.L.S.</li> <li>(817) DENOTES D.S. MCINTOSH O.L.S.</li> <li>(1370) DENOTES KRCMAR SURVEYORS LTD. O.L.S.</li> <li>(1387) DENOTES MICHAEL J. CLANCY SURVEYING LTD. O.L.S.</li> <li>(1188) DENOTES C.A. SEXTON. O.L.S.</li> </ul>
	ALL BUILDING TIES MEASURED TO BRICK UNLESS NOTED OTHERWISE.	(922) DENOTES F. SCHAEFFER, O.L.S. (L&P) DENOTES LLOYD & PURCELL LTD., O.L.S. (Y&P) DENOTES YATES & PURCELL LTD., O.L.S.
	TOTAL SITE AREA = 4.5214 ha	(D&J) DENOTES DELPH & JENKINS LIMITED, O.L.S. PROD. DENOTES PRODUCTION BF DENOTES BOARD FENCE



#### Appendix "B"

#### **Base Park Conditions**

Base Park Condition is as follows:

Prior to conveyance of the Park lands to the City, the Owner shall (1) ensure that the Park lands are free and clear of any and all physical and title encumbrances, below and above grade; (2) complete the environmental requirements of the City's 'Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City as a Condition of a Development Application Approval'; and (3) complete the design, construction and installation of the City's standard Base Park Improvements at its expense, to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR), which consist of the following:

- Demolition, removal and disposal of all existing materials, buildings, foundations and associated servicing;
- Grading inclusive of 300mm depth topsoil supply and placement. Where lands have been environmentally risk assessed in accordance with the Ministry of Environment, Conservation and Parks, including its successors and predecessor's regulations, 1.5 metres depth of contaminated soil will be removed and the required depth profile of the environmental soil / soft cap will be 1.5 m of engineered fill compacted to 95% SPD and certified by the consulting engineer;
- in the case of a risk-assessed Parkland site, all materials brought on the Parkland site shall comply with the site-specific standards outlined in the Certificate of Property Use and in accordance with the Environmental Protection Act and O. Reg. 153/04;
- in the case where no risk assessment of the Parkland site was required, all materials brought on the Parkland site shall comply with Table 3 RPI standards, incorporated by reference into O. Reg. 153/04;
- Sodding #1 nursery grade;
- Fencing, where deemed necessary; to the satisfaction of the General Manager, PFR;
- Sanitary and storm service connections with manholes at streetline;
- Water and electrical service connections; (minimum water: 50mm to the street line including backflow preventers, shut off valves, water meter and chamber; electrical connection to the street line and electrical panel in a lockable cabinet (100 Amp service) where deemed necessary by the General Manager, Parks Forestry and Recreation;
- Street trees along all public road allowances abutting City-owned parkland; and
- Standard park sign (separate certified cheque required).

### Appendix "C"

### Additional Terms for Base Park Conveyance

1.		The Owner will provide a landscape package that demonstrates the incorporation of the Base Park Improvements into the parkland dedication. The landscape package shall be approved as a component pre-approval condition of the site plan application for the Mid-Rise-Component.
2.		Prior to the issuance of the first above grade building permit for the Mid Rise Component:
	a.	the Owner will submit a cost estimate and any necessary plans for the Base Park Improvements, to the satisfaction of the General Manager, PFR.
	b	the Owner will post an irrevocable Letter of Credit in the amount of 120% of the value of the Base Park Improvements for the parkland to the satisfaction of the General Manager, PFR. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.
3.		The construction of the Base Park Improvements shall be completed prior to the conveyance of the Park to the City, to the satisfaction of the General Manager, PFR. Unforeseen delays (e.g. weather) resulting in the late delivery of the Park lands shall be taken into consideration and at the discretion of the General Manager, PFR when determining a revised delivery date for the Park.
4.		Should the Owner undertake Base Park Improvements on the Park lands, following conveyance of the Park lands to the City, the applicant will obtain a Park Access Agreement (PAA) from PFR. The PAA will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, PFR. The applicant will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.