

MUNICIPAL, PLANNING & DEVELOPMENT LAW

2 May 2022

Sent via E-mail

**Confidential and Without Prejudice**

Ms. Amanda Hill / Mr. Daniel Elmadany  
City of Toronto, Legal Services  
55 John Street, Metro Hall,  
26<sup>th</sup> Floor  
Toronto, Ontario M5V 3C6

Dear Ms. Hill and Mr. Elmadany:

**Re: Settlement Offer - D.D. Acquisitions Partnership  
860 Pharmacy Avenue, 9, 15, 19, 23, 32 and 40 Craighton Drive and 1 Rannock Street  
OLT Case No. PL200495**

We are the lawyers for D.D. Acquisitions Partnership with respect to the properties known municipally in the City of Toronto (the “**City**”) as 860 Pharmacy Avenue, 9, 15, 19, 23, 32 and 40 Craighton Drive and 1 Rannock Street (the “**Subject Property**”). Our client is the applicant and appellant in the above-noted proceeding (OLT Case No. PL200495).

We are writing on behalf of our client with this “without prejudice” settlement offer with respect to the above-noted matter. This settlement offer remains open until the end of the City Council meeting scheduled to commence on 11 May 2022.

Our client and the City have engaged in without prejudice discussions regarding the redevelopment proposal for the Subject Property. These discussions have resulted in a revised concept plan, dated 29 April 2022, prepared by IBI Group, and attached to this letter (the “**Revised Plan**”). A revised official plan amendment (the “**Revised OPA**”) is also attached to this letter.

Our client intends to redevelop the Subject Property with purpose-built rental buildings and is prepared to settle its appeal in PL200495 on the basis of the Revised OPA and the features that are shown conceptually on the Revised Plan.

- **Gross Floor Area:** A total maximum of gross floor area of 124,602 square metres is proposed on the Subject Property, to be calculated in accordance with Zoning By-law 569-2013, as amended. The total maximum gross floor area is inclusive of the gross floor area for any required rental housing replacement.

2 May 2022



If residential uses on the Subject Property are not developed exclusively as rental housing, the maximum gross floor area on the Subject Property will not exceed 67,312 square metres, excluding the gross floor area for any required rental housing replacement of the 248 existing rental housing units on the Subject Property.

- **Built Form:** The Revised Plan incorporates the following, as shown in the Revised OPA, including a new public street (Public Street A):
  - **Block A1 and A2** would be developed as a Public Park.
  - **Block B** would be developed with one tower with a maximum height of 27 storeys and mid-rise building with a maximum height of 8 storeys.
  - **Block C** would be developed with a maximum of three towers, all with a maximum height of 31 storeys and one-midrise building with a maximum height of 8 storeys.
  - **Public Street A** being a new north/south public street, with a right-of-way width of 23 metres extending south from the east-west segment of Craigton Drive.

The Built Form will be refined, including any permitted equipment and structures for the functional operation of the buildings through the Zoning By-law amendment process.

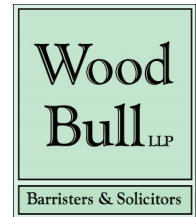
- **Transportation Network:** Our client will provide a Privately Owned Publicly Accessible Space (“POPS”) on the area where lands are required for the potential reconfiguration and alignment of Rannock Street connecting to Ashtonbee Road, until such time as the lands may be required by the City. The exact location and alignment of the POPS will be refined through the development approval process which will be informed by any completed Municipal Class Environmental Assessment.

Cycling infrastructure and facilities and shared mobility hubs will also be provided as set out in the Revised OPA.

Our client acknowledges that Map 45-10 of the Golden Mile Secondary Plan identifies the proposed cycling network for the secondary plan area.

- **Tower Floor Plate:** The residential tower floor plates of tall buildings shall have a maximum gross building area of 750 square metres.
- **Parkland and Public Realm:** There will be one public park on the Subject Property as set out in the Revised OPA, with a minimum size of 3,432 square metres.

2 May 2022



POPS will be provided as set out in the Revised OPA and Public Art will be provided as identified in the Revised OPA and secured as part of the development process.

- **Transportation Demand Management (TDM):** Our client would agree to prepare and submit a multi-modal transportation impact study (MMTIS) to identify the demands and impacts of development, including a TDM strategy and/or other mitigating measures to accommodate travel generated by the development. The MMTIS would include reporting on monitoring outcomes of earlier phases on transit, cycling, pedestrian, and vehicular traffic patterns, and any recommended refinements to TDM strategies and the transportation network design. The MMTIS would be required to demonstrate, prior to the approval of any Zoning By-law amendment, that there will be sufficient transportation capacity available to accommodate additional site generated trips or measures that can be undertaken to accommodate the additional trips through TDM strategies or off-site infrastructure improvements, including the potential for higher order transit along Victoria Park Avenue or Warden Avenue.

Our client will also agree to implement a TDM strategy, to be secured in subsequent planning processes, to the satisfaction of the City, that may include but not be limited to:

- a financial contribution to support Transit Corridor Study,
- on-site cycling and where appropriate, off-site cycling and transit TDM measures,
- Shared Mobility Hubs,
- bike share stations and memberships,
- Presto passes, and
- financial contribution for future Golden Mile Transportation Monitoring Study.

Our client acknowledges that Map 45-17 of the Golden Mile Secondary Plan identifies the Transit and Travel Demand Management Plan for the secondary plan area.

- **Servicing:** Our client understands that this settlement will remain confidential until the Chief Engineer and Executive Director, Engineering and Construction Services has received satisfactory materials to address servicing capacity matters and infrastructure improvements to support the density shown on the Revised Plan, either through a Master Servicing Study for the Golden Mile Area or through a conceptual servicing report for the Property in coordination with the Master Servicing Study that demonstrates that the proposed development of the Subject Property can be adequately serviced.

2 May 2022

Notwithstanding the foregoing, if Council accepts this settlement offer, our client may discuss the Revised OPA and Revised Plan with the other parties to PL200495 on a without prejudice basis.

- **Phasing:** The phasing of development and required infrastructure for the Subject Property, including the provision of all new public streets, municipal services, transportation infrastructure, including off site cycling network improvements, streetscape along Pharmacy Avenue and Craighton Drive and parkland will be addressed and secured through a Draft Plan of Subdivision and Zoning By-law Amendment.
- **Draft Official Plan to Coordinate with Golden Mile Secondary Plan:** Our client agrees that should there be any changes to the Golden Mile Secondary Plan (OPA 499) that would eliminate the repetition of the policies in this Revised OPA, that such policies may be deleted from this Revised OPA, in a manner satisfactory to the City and our client. Our client also does not have a preference whether the policies in this Revised OPA form part of Chapter 6, Section 43, Section 14 of the Golden Mile Secondary Plan or Section 7, Site and Area Specific Policies of the Official Plan, in the exercise above of reducing and/or eliminating redundant policies in the Revised OPA.

### **Implementation**

Our client and the City acknowledge and agree that our client's appeal of the Golden Mile Secondary Plan would be resolved through implementation of this without prejudice settlement offer. Without limiting the foregoing, this would include a joint request by the City and our client that the Ontario Land Tribunal bring the Golden Mile Secondary Plan into force at it applies to the Property in a form which, together with the Revised OPA, permits the Revised Plan.

### **Documentation to be Provided**

Our client agrees that it will submit to the City a complete resubmission on the Official Plan Amendment including updated reports, plans, drawings and materials to provide alignment between all applications to implement this Settlement Offer satisfactory to the Chief Planner and Executive Director, City Planning and the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the appropriate divisions.



2 May 2022

This without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on May 11, 2022, after which it should be considered as withdrawn. If this without prejudice settlement offer is not accepted by City Council, it shall remain confidential.

Yours very truly,

**Wood Bull LLP**

A handwritten signature in black ink, appearing to read "S. Mahadevan", is written over a light blue rectangular background.

Sharmini Mahadevan

Encl.

c. Client