



Reply to the Attention of	Mary Flynn-Guglietti
Direct Line	416.865.7256
Email Address	mary.flynn@mcmillan.ca
Our File No.	223354
Date	June 1, 2022

DELIVERY VIA EMAIL (jessica.braun@toronto.ca)

Council of the City of Toronto
100 Queen Street West
Toronto, ON
M5H 2N2

Attention: Ms. Jessica Braun, Legal Counsel

Dear Ms. Braun:

**Re: Settlement Offer from Torgan Management Inc.
Official Plan Amendment No. 246 (Bathurst Bloor Character Area)
OMB File No. PL141074 (now referred to as the OLT) and
OMB Plan Amendment No. 349
OMB File No. PL170103 (now referred to as the OLT)**

We are the solicitors representing Torgan Management Inc. (“**Torgan**”) in connection with its appeal of City of Toronto (“**City**”) Official Plan Amendment No. 246 (“**OPA 246**”) relating to lands owned by Torgan, municipally known as 844 Bathurst Street (the “**Lands**”). OPA 246 sets out the framework for development of lands located on Bathurst Street between Dupont Street and Queen Street West. OPA 349 modifies section 9 of OPA 246 and sets out the framework for development of lands located within the Bloor Bathurst Character Area. Torgan is an Appellant of both OPA No. 246 and OPA No. 349. This settlement offer would resolve Torgan’s concerns regarding both OPA 246 and OPA 349.

The first Pre-hearing Conference before the OMB was held on March 25, 2015 with respect to OPA 246 and with respect to OPA 349 the first Pre-hearing was held on September 5, 2017. After a great deal of effort and co-operation with City staff over many years we are pleased to put forward for City Council’s consideration this settlement offer in respect of proposed amendments to OPA 246 and OPA 349 as it relates to potential redevelopment of the Torgan Lands. The proposed amendments ensure that the Torgan Lands will be developed to fit within the character of the area with appropriate transitions to adjacent areas of lower scale development and ensuring appropriately scaled retail areas. We are attaching a copy of the Conceptual Plans

and 3D massing views for a proposed development dated December 18, 2019 prepared by Quadrangle Architects and used during the settlement discussions with staff of the City of Toronto.

We are also attaching the proposed modifications to section 9 and 9.9 of OPA 349 and 246, together with the modifications required to Schedules E, F, G and I of said OPA 349 and Schedule C Map 1 of OPA 246.

Our client and their Planner and Architect have worked very diligently with City staff to reach the settlement reflected in the attached modified policies 9 and 9.9 and schedules E, F, G and I and we respectfully request approval of this settlement by City Council. In addition to Council's approval this settlement offer is conditional upon approval of the settlement by the Ontario Land Tribunal (formerly OMB) with respect to OPA 349 and 246.

Yours truly,



Mary L. Flynn-Guglietti

/jl

Encls.

Cc: Torgan Management Inc., Attention : John Macintyre
Lorelei Jones, MSH Planners
Les Klein, pdquadrangle

Tab 1



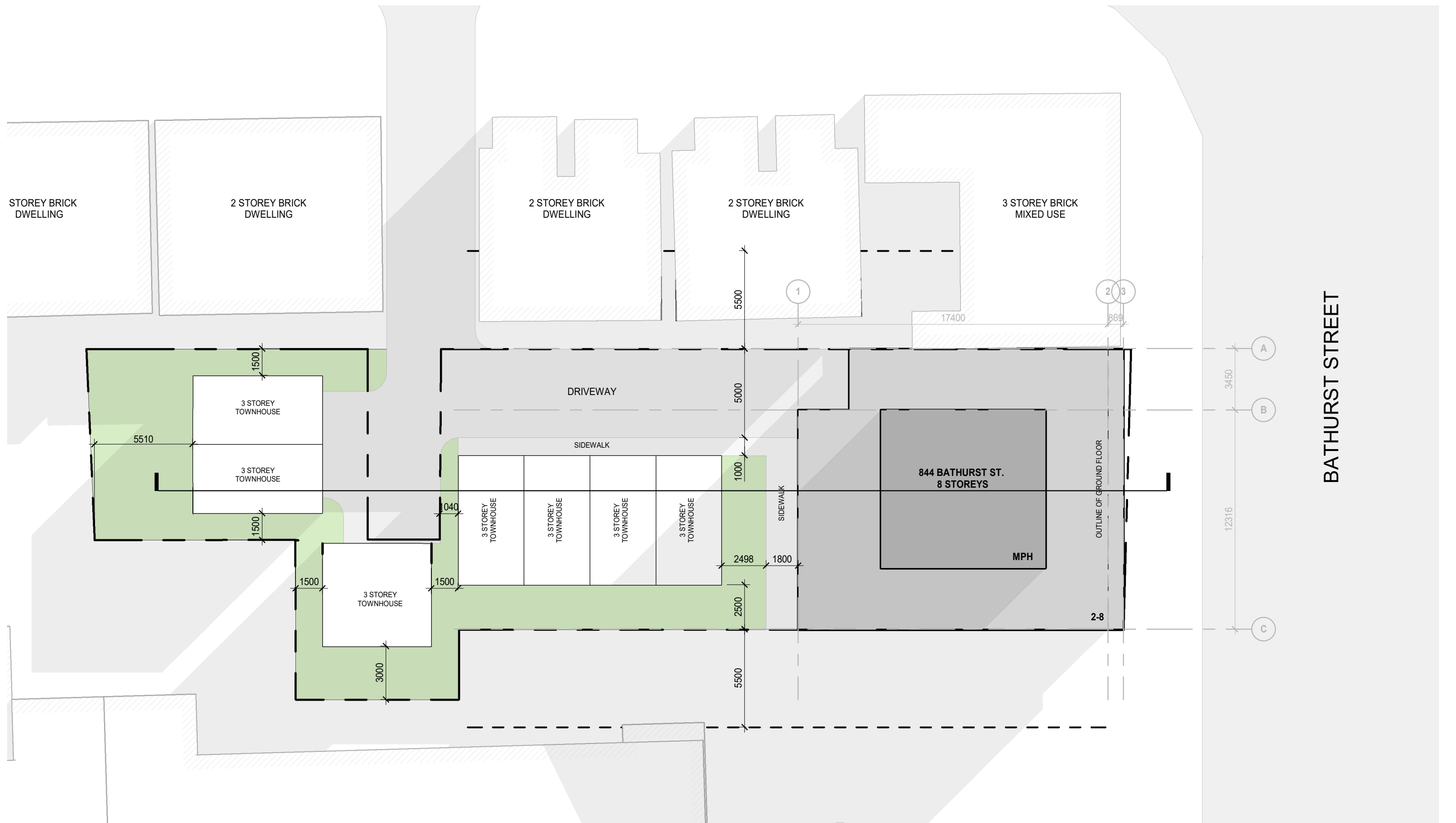
844 Bathurst Street

8 Storey Rooming House Development
December 18, 2019

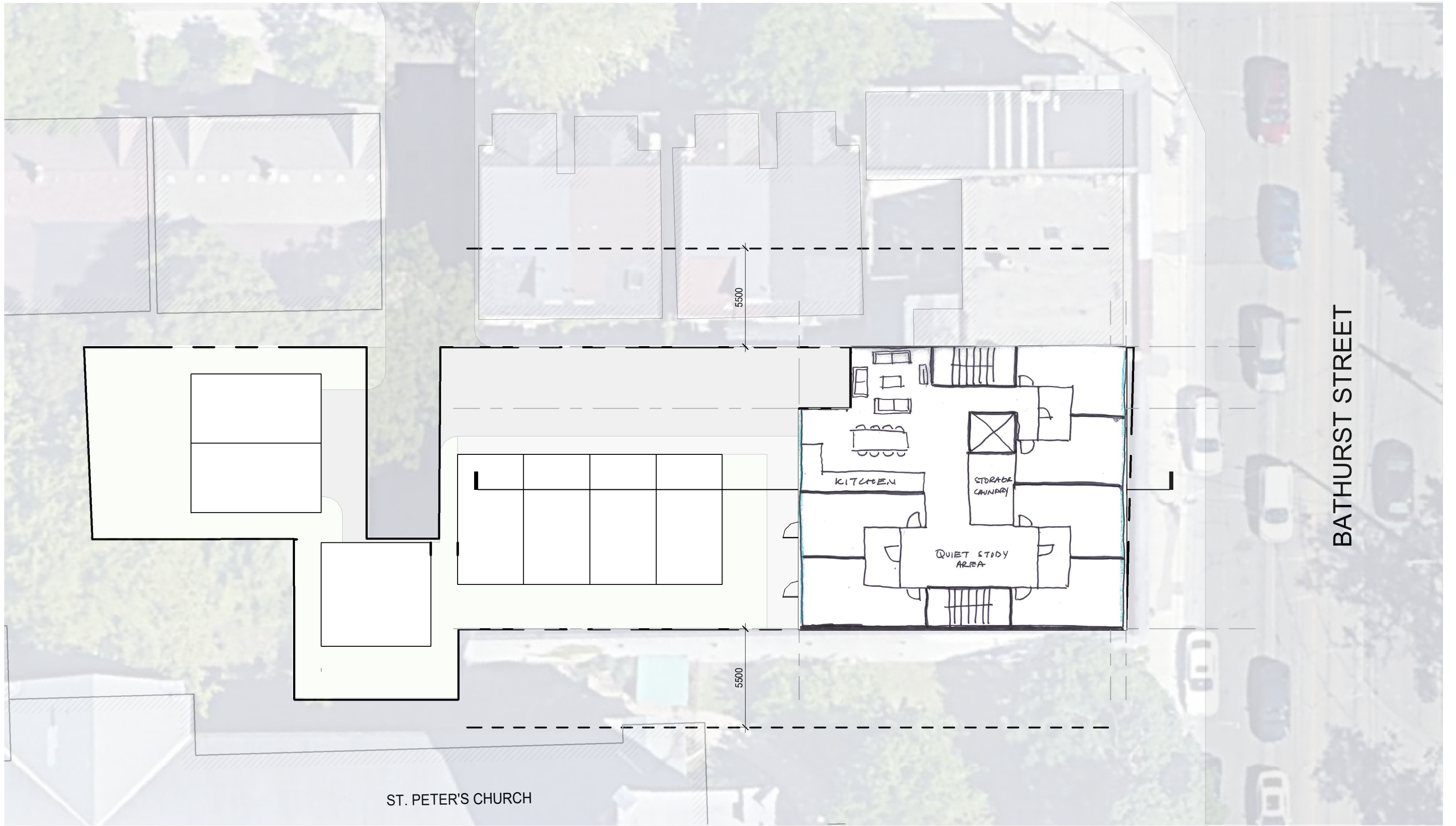
Conceptual For Settlement Discussion Purposes

t 416 598 1240
www.quadranglearchitects.com

Quadrangle Architects Limited
901 King Street West, Suite 701
Toronto, ON M5V 3H5



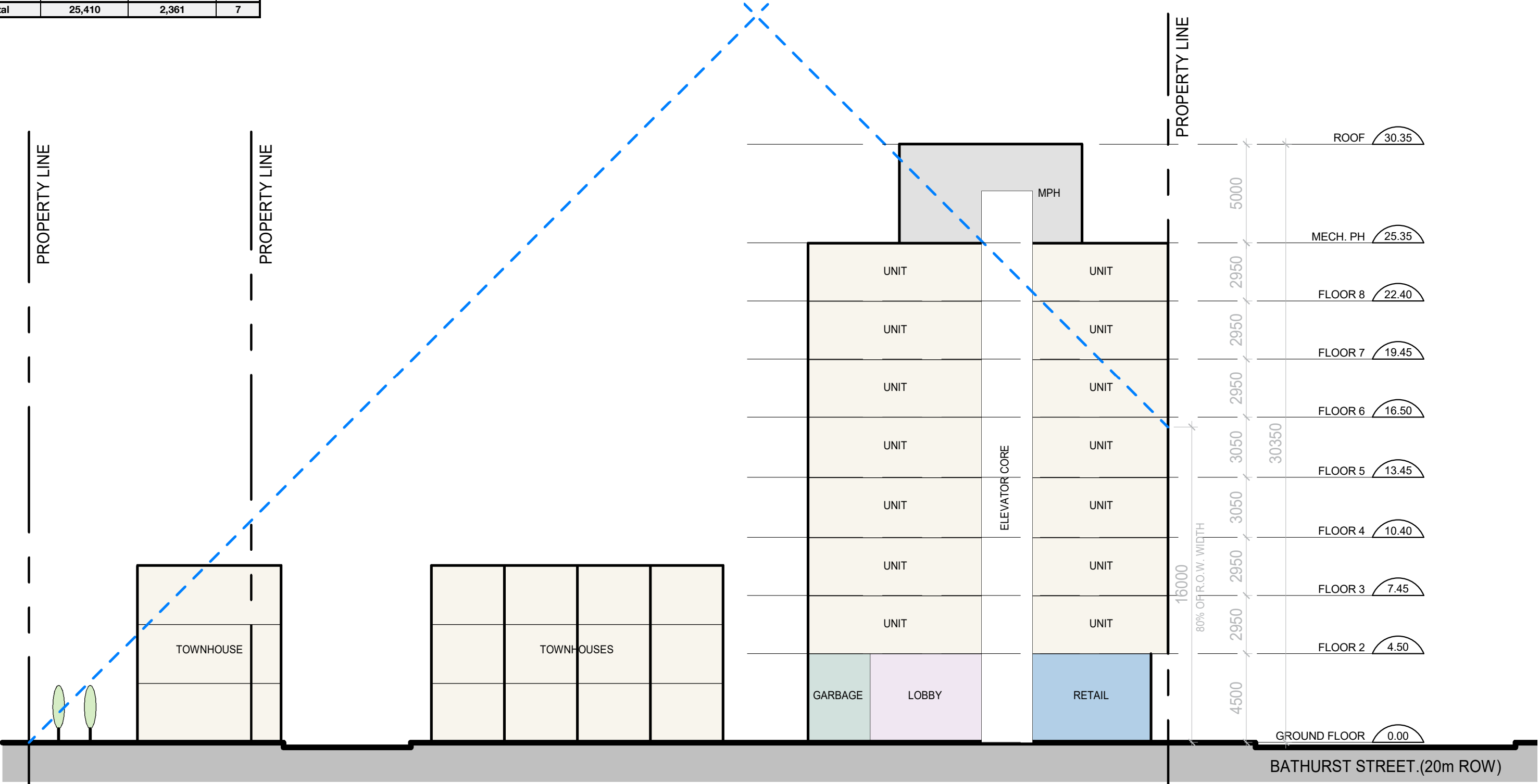


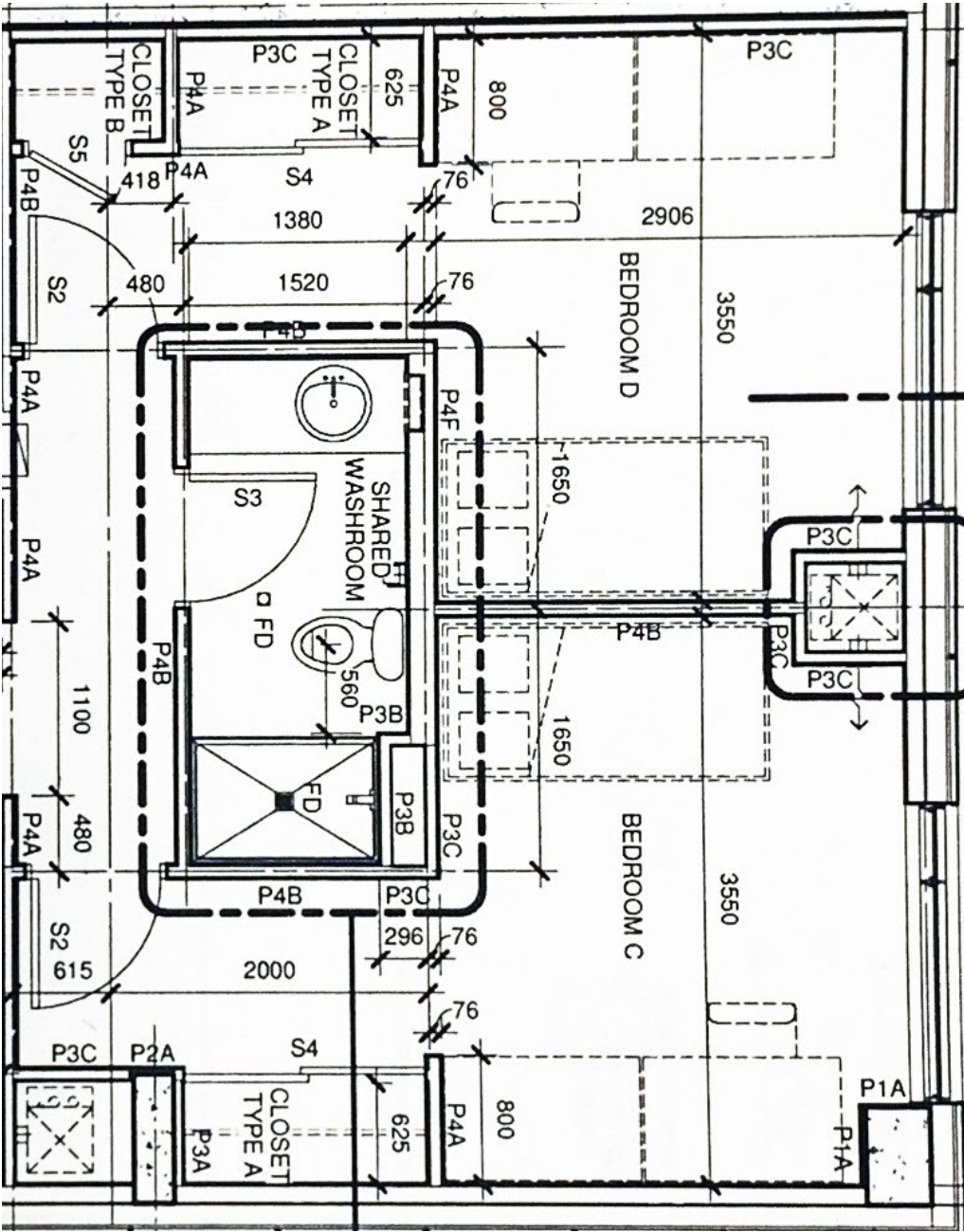


844 Bathurst Street		
	(sf)	(sm)
Site Area	9,149	850
FSI	3.44	

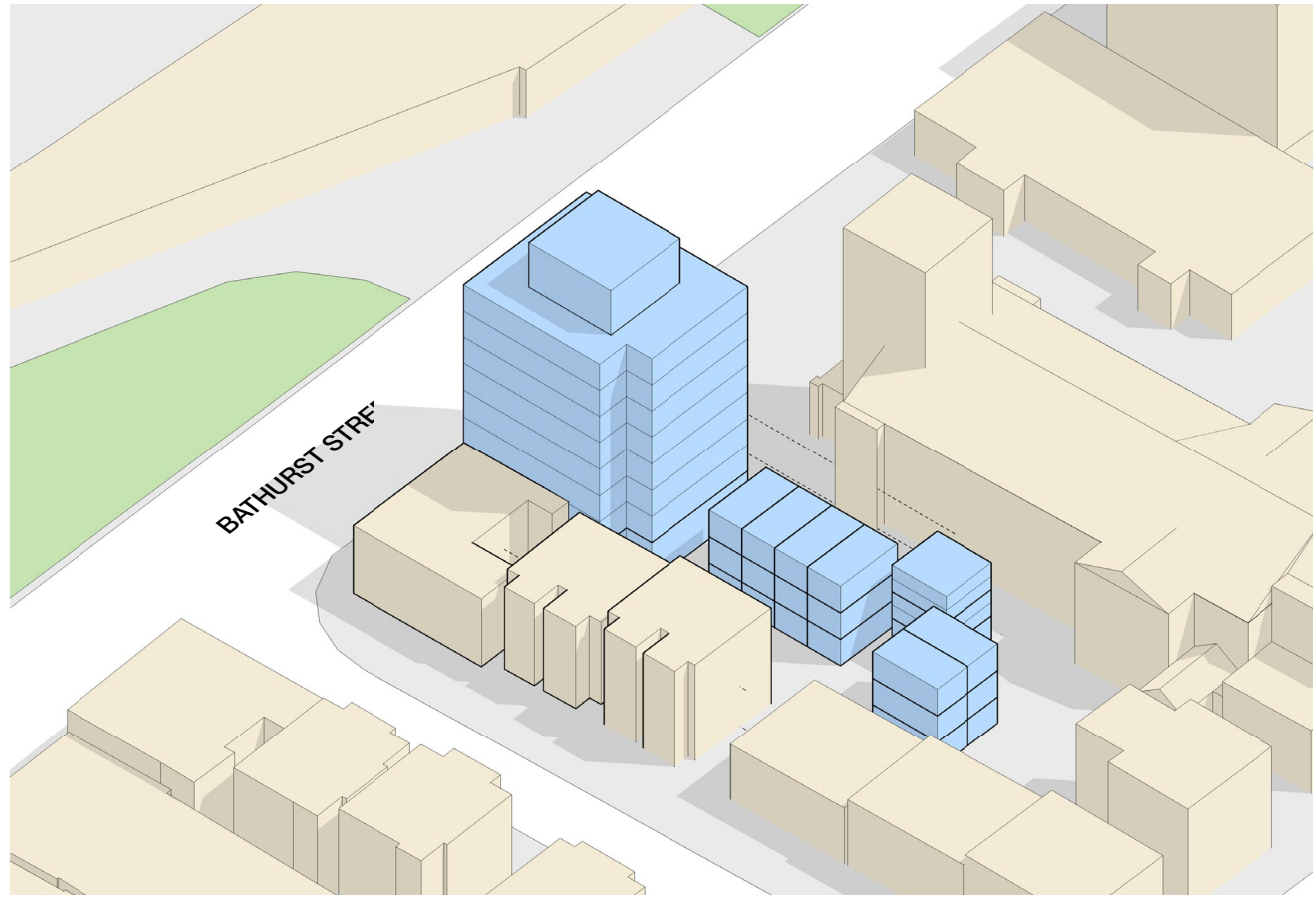
8 Storey Room House Option			
Floor	GCA (sf)	GCA (sm)	Units
MPH	1,472	137	-
Typical Floor	2,992	278	1
Typical Floor (2-8)	20,944	1,946	7
Ground Floor	2,994	278	0
Total	25,410	2,361	7

Townhouse Totals		
Units	GCA (sf)	GCA (sm)
7	6,103	567

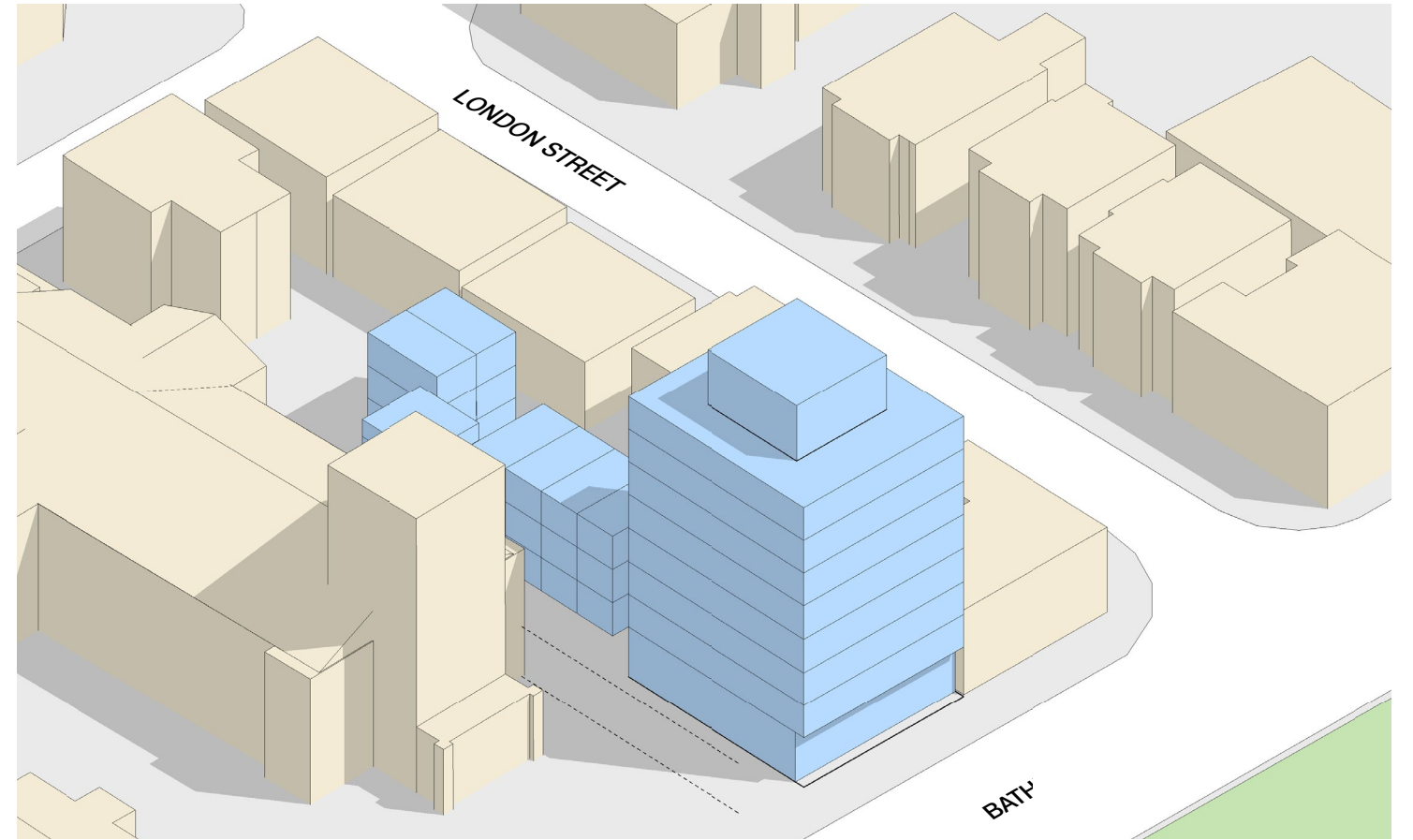




Sample rooming house unit



VIEW 1



VIEW 2

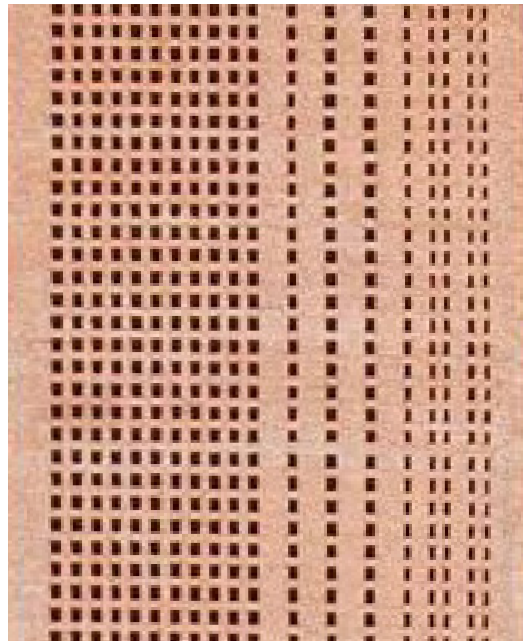


VIEW 3









Tab 2

WITHOUT PREJUDICE AND CONFIDENTIAL

9.9 844 Bathurst Street

- 9.9.1 In addition to the preceding policies contained in Section 9.0 - 9.6 for the Bathurst Bloor Character Area, the following policies in Section 9.9 apply specifically to the property known municipally on January 1, 2020, as 844 Bathurst Street. In instances where there is inconsistency between the preceding policies in Section 9.0-9.6, the policies below will prevail.

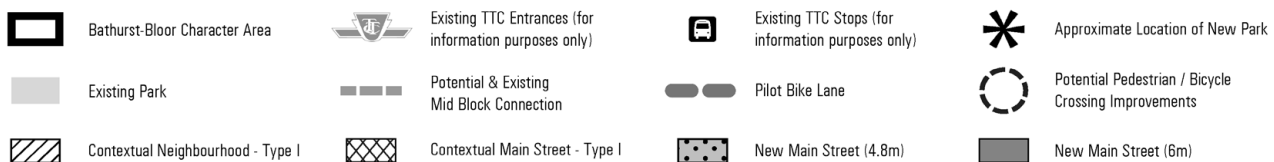
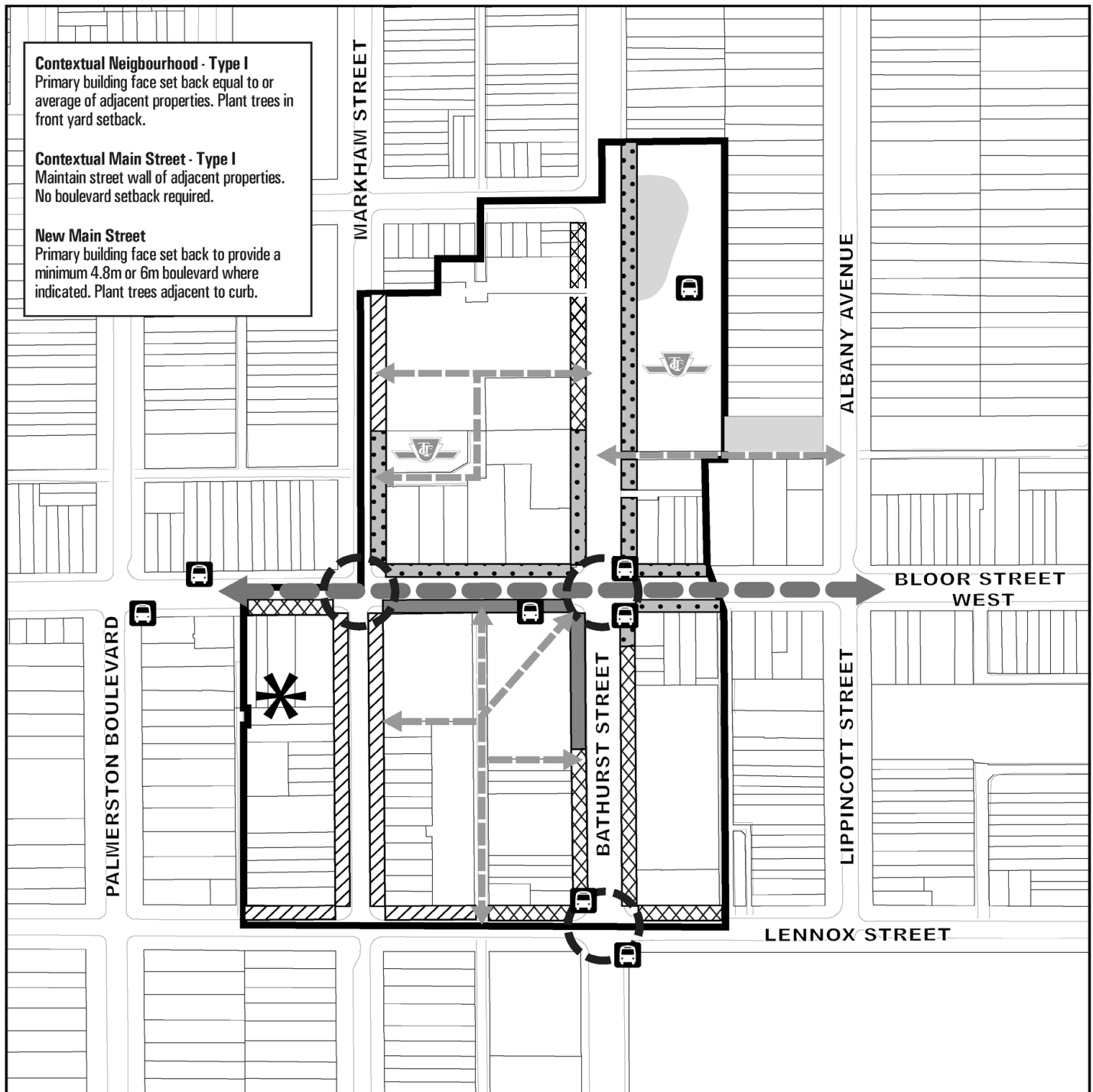
Height & Angular Planes

- 9.9.2 Development will achieve appropriate transition in building height and massing and the stepping down of heights toward adjacent land that is designated as *Neighbourhoods*.
- 9.9.3 Development within the land designated *Mixed Use Area* will only be permitted:
- 9.9.3.1 Beneath a 45-degree angular plane measured from grade at the western limit of the Ryva Novick Lane except that ground-oriented residential units such as single detached, semi detached or townhouse dwellings may be permitted within the angular plane up to a maximum height of 4 storeys;
- 9.9.3.2 Beneath a 45-degree angular plane measured from a height of 16.5 metres along the Bathurst Street property line;
- 9.9.4 Notwithstanding Sections 9.9.3.2 and 9.6.12, encroachments into the prescribed angular planes may be considered through an application to amend the Zoning Bylaw, provided that it is demonstrated through a planning and urban design rationale that the encroachments associated with the form and scale of development have an appropriately limited impact with regard to additional shadowing of the public realm and diminishing of sky view, and the relationship to the listed heritage building to the south, and that they secure other planning objectives for this site. The extent of any building encroachments into angular planes may include portions of the mechanical penthouse.
- 9.9.5 The maximum height of a development of the property at 844 Bathurst Street, whether developed individually or jointly, will be 8 storeys or 27.0 metres, not including the mechanical penthouse and rooftop mechanical equipment, and outdoor amenity space.

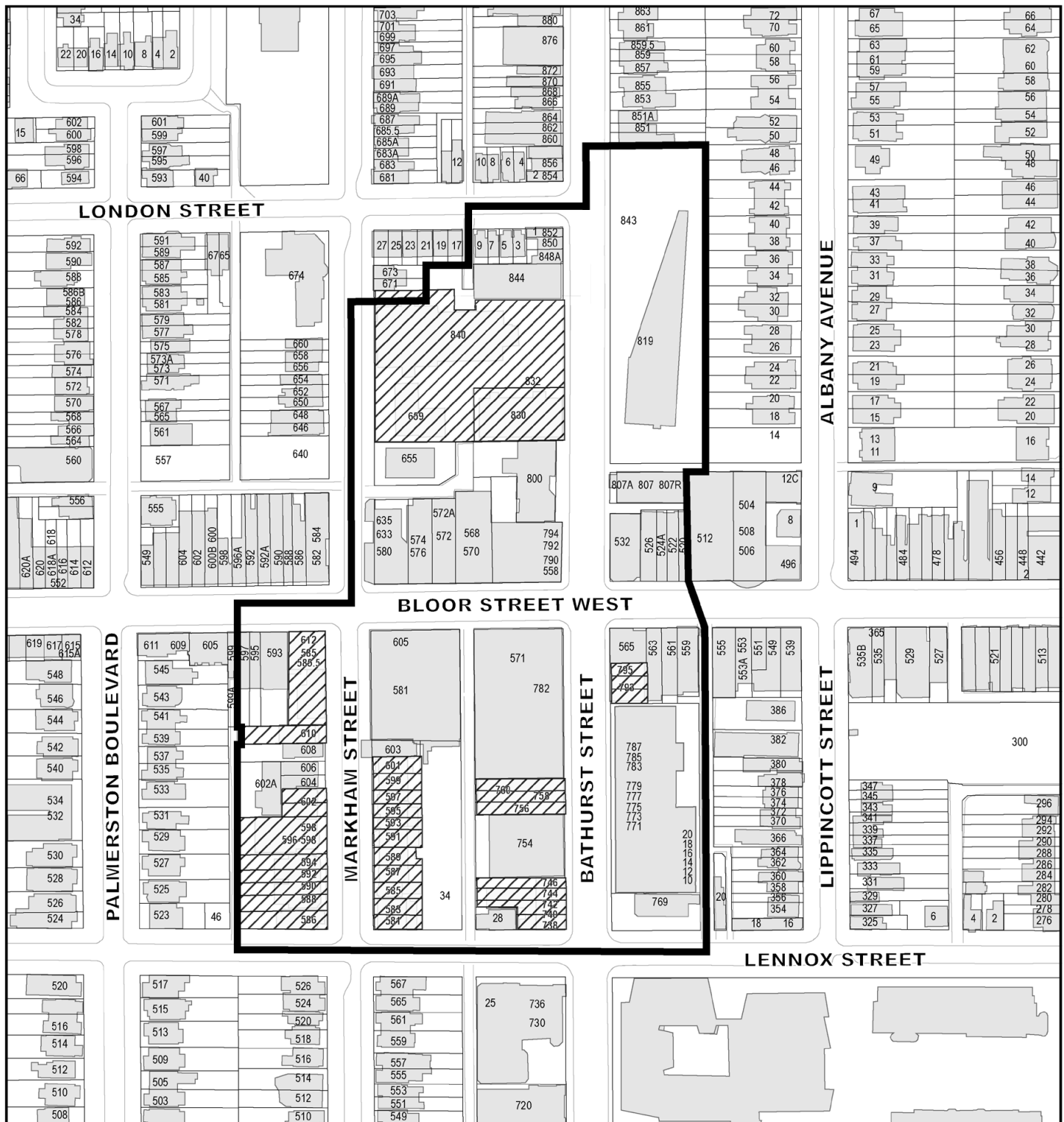
Additional Policies

- 9.9.6 Development fronting Bathurst Street will include building articulation, windows and entrance locations that reference the prevailing pedestrian shopping characteristics of Bathurst Street north of Bloor Street.
- 9.9.7 Notwithstanding Section 9.5.5, the ground floor street frontage on Bathurst Street shall include retail, personal service, service commercial and/or medical office space and the front façade will be designed in a manner to be safe and comfortable for pedestrians. Residential uses, except for residential lobby entrances, staircases and other services, will not be permitted on the ground floor facing Bathurst Street.
- 9.8.8 Development will provide adequate separation to the residential buildings located at 3, 5, 7 and 9 London Street by providing a minimum 3 metre setback from the north property line of 844 Bathurst Street above the second floor of the building. If the buildings at 3, 5, 7 and 9 London Street are developed comprehensively with 844 Bathurst Street then no setback will be required.
- 9.8.9 Notwithstanding Section 9.4.8, development will cast no new net shadow on the Ed and Anne Mirvish Parkette beyond those created by the as-of-right zoning heights as in force at the date of passing of this by-law and existing buildings between March 21 and September 21 between the hours of 10 a.m. and 3 p.m.
- 9.8.10 Notwithstanding Section 9.6.13, development will provide a minimum of five hours of continuous sunlight between March 21 and September 21 on the Bathurst Street sidewalk.
- 9.8.11 Notwithstanding Section 9.6.10, the need for a step back from the public street frontage adjacent to the abutting listed heritage building to the south may be considered through an application to amend the Zoning Bylaw provided that it is demonstrated through a planning and urban design rationale that it has an appropriately limited impact on the listed heritage building.
- 9.9.12 Development will include window openings (with vision or translucent glazing) or other design element to create visual interest except where not permitted by the Building Code.
- 9.9.13 Notwithstanding Section 4.1.5, ground-oriented dwelling units which may contain an integral garage, may be permitted to obtain access from the Ryva Novick Lane provided that it is demonstrated through a planning rationale as part of a condominium application that the units will be appropriately accessed.

Schedule F - Public Realm Improvements



Schedule G - Heritage



Bathurst and Bloor Four Corners

Properties on the City's Heritage Register - Schedule G

File # 14 254231 STE 20 02



Bathurst-Bloor Character Area

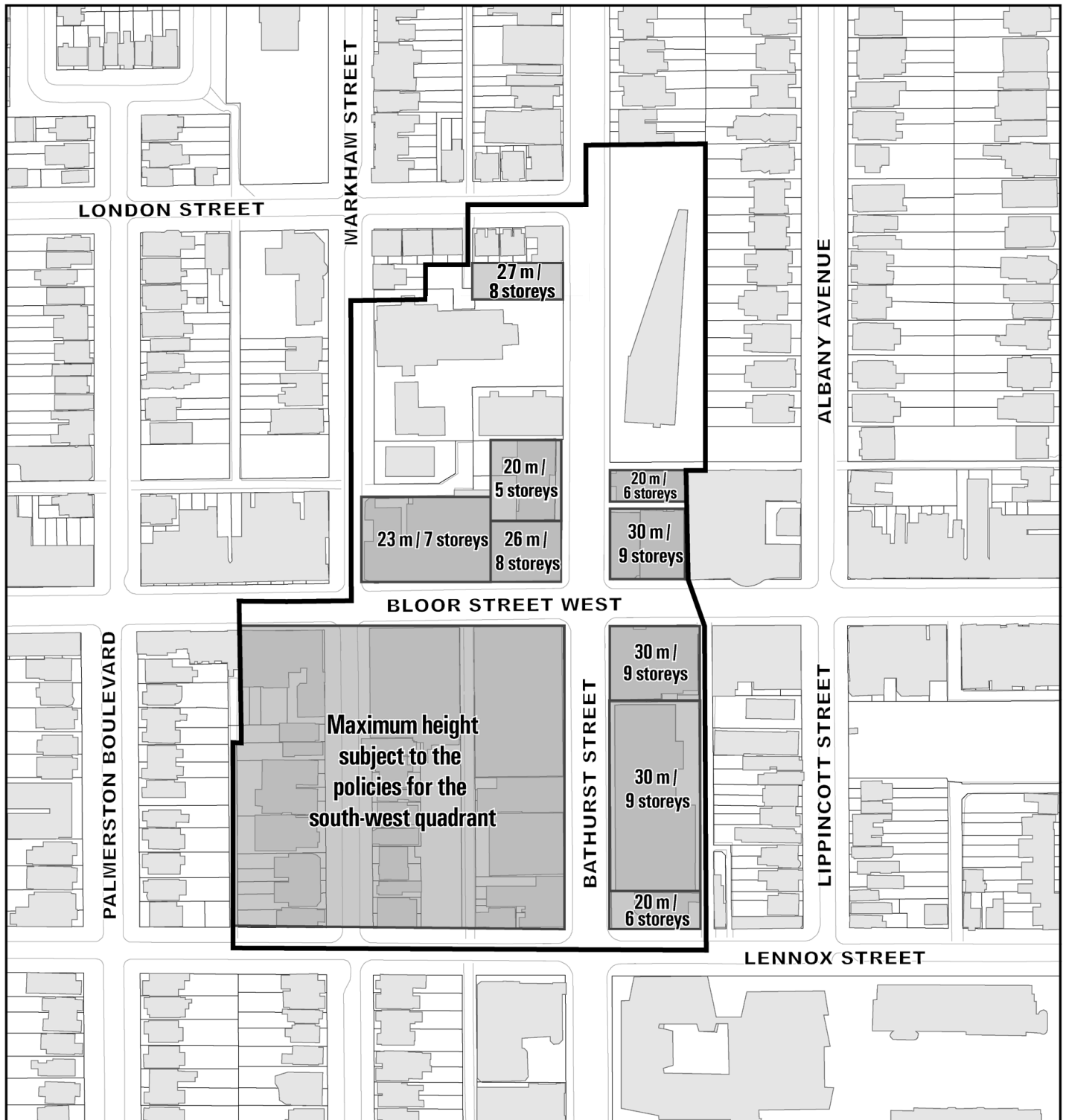


Heritage Properties



Not to Scale
05/24/2016

Schedule I - Maximum Building Heights



WITHOUT PREJUDICE AND CONFIDENTIAL

9. Bathurst Bloor Character Area

- 738-852 Bathurst Street on the west side;
- 769-843 Bathurst Street on the east side;
- 559-595 Bloor Street on the south side;
- 520-580 Bloor Street on the north side;
- 586-612 Markham Street on the west side;
- 581-659 Markham Street on the east side;
- 1-9 London Street on the south side; and
- 29 Lennox Street on the north side.

9.9 844 Bathurst Street

- 9.9.1 In addition to the preceding policies contained in Section 9.0 - 9.6 for the Bathurst Bloor Character Area, the following policies in Section 9.9 apply specifically to the property known municipally on January 1, 2020, as 844 Bathurst Street. In instances where there is inconsistency between the preceding policies in Section 9.0-9.6, the policies below will prevail.

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- 9.9.3.1 Beneath a 45-degree angular plane measured from grade at the western limit of the Ryva Novick Lane except that ground-oriented residential units such as single detached, semi detached or townhouse dwellings may be permitted within the angular plane up to a maximum height of 4 storeys;
- 9.9.3.2 Beneath a 45-degree angular plane measured from a height of 16.5 metres along the Bathurst Street property line;
- 9.9.4 Notwithstanding Sections 9.9.3.2 and 9.6.12, encroachments into the prescribed angular planes may be considered through an application to amend the Zoning Bylaw, provided that it is demonstrated through a planning and urban design rationale that the encroachments associated with the form and scale of development have an appropriately limited impact with regard to additional shadowing of the public realm and diminishing of sky view, and the relationship to the listed heritage building to the south, and that they secure other planning

objectives for this site. The extent of any building encroachments into angular planes may include portions of the mechanical penthouse.

- 9.9.5 The maximum height of a development of the property at 844 Bathurst Street, whether developed individually or jointly, will be 8 storeys or 27.0 metres, not including the mechanical penthouse and rooftop mechanical equipment, and outdoor amenity space.

Street Wall

- 9.9.6 The height of the street wall for development of 844, 848, 850 and 852 Bathurst Street will be a maximum of 16.5 metres.

Additional Policies

- 9.9.7 Development fronting Bathurst Street will include building articulation, windows and entrance locations that reference the prevailing pedestrian shopping characteristics of Bathurst Street north of Bloor Street.
- 9.9.8 Notwithstanding Section 9.5.5, the ground floor street frontage on Bathurst Street shall include retail, personal service, service commercial and/or medical office space and the front façade will be designed in a manner to be safe and comfortable for pedestrians. Residential uses, except for residential lobby entrances, staircases and other services, will not be permitted on the ground floor facing Bathurst Street.
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- 9.8.10 Notwithstanding Section 9.4.8, development will cast no new net shadow on the Ed and Anne Mirvish Parkette beyond those created by the as-of-right zoning heights as in force at the date of passing of this by-law and existing buildings between March 21 and September 21 between the hours of 10 a.m. and 3 p.m.
- 9.8.11 Notwithstanding Section 9.6.13, development will provide a minimum of five hours of continuous sunlight between March 21 and September 21 on the Bathurst Street sidewalk.
- 9.8.12 Notwithstanding Section 9.6.10, no step back from the public street frontage will be required adjacent to the abutting heritage property to the south.

- 9.9.13 Development will include window openings (with vision or translucent glazing) or other design element to create visual interest except where not permitted by the Building Code.
- 9.9.14 Notwithstanding Section 4.1.5, ground oriented dwellings which may contain an integral garage, may be permitted from the Ryva Novick Lane provided that it is demonstrated through a planning rationale as part of a condominium application that the units will be appropriately accessed.

Schedule C

Character Areas

