



Katarzyna Sliwa
Partner
kat.sliwa@dentons.com
D +1 416 863 4628

Dentons Canada LLP
77 King Street West, Suite 400
Toronto-Dominion Centre
Toronto, ON, Canada M5K 0A1

dentons.com

CC45.16 - CONFIDENTIAL ATTACHMENT 2 - made public on June 24, 2022

June 7, 2022

File No.: 527471-53

CONFIDENTIAL AND WITHOUT PREJUDICE

Ms. Kelly Matsumoto
Deputy Director
City of Toronto Legal Services
Planning & Administrative Tribunal Law Section
55 John Street, 26th floor
Metro Hall
Toronto, Ontario
M5V 3C6

Dear Ms. Matsumoto

**Re: Samuel Sarick Limited
1911 and 1921 Eglinton Avenue East
Official Plan Amendment 231 ("OPA 231")
Site and Area Specific Policy**

On behalf of our client, Samuel Sarick Limited, please see the enclosed package, relating to the draft Site and Area Specific Policy ("SASP") for the lands municipally known as 1911 and 1921 Eglinton Avenue East.

We confirm our proposal to resolve our appeal of OPA 231 on the basis of the draft SASP enclosed hereto. Upon approval of the settlement by Toronto City Council and the Ontario Land Tribunal, our client will withdraw its appeal of OPA 231. Our client will also scope its appeal to Official Plan Amendment 499, the Golden Mile Secondary Plan, to a site specific basis and as it relates to the O'Connor realignment, with the potential for withdrawal of that appeal at a future date.

If you have any questions, please contact the undersigned.

Yours truly,

Dentons Canada LLP

DocuSigned by:
Katarzyna Vergis-Mayo
07A5AE640DDE4B2...

Per: Katarzyna Sliwa
Partner

Copy. Client
Encl. Draft SASP
Redline Copy of SASP

Modification to OPA 231

Toronto Official Plan

Appeal No. XXX – 1911 and 1921 Eglinton Avenue East

Official Plan Amendment 231 is modified as follows:

1. Map 2, Urban Structure, is amended by deleting *Employment Areas* on the lands known municipally in 2021 as 1911 and 1921 Eglinton Avenue East.
2. Map 20, Land Use Plan, is amended by re-designating the lands municipally known in 2021 as 1911 and 1921 Eglinton Avenue East from *Employment Areas* (identified as *General Employment Areas* in OPA 231) to *Regeneration Areas*.
3. Map 31, Site and Area Specific Policies is modified so that the lands municipally known as 1911 and 1921 Eglinton Avenue East are not subject to Site and Area Specific Policy 129.
4. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. **XXX** with the following text and map:

XXX 1911 and 1921 Eglinton Avenue East

1. All uses permitted under the *General Employment Areas* designation and *Regeneration Areas* designation, including interim uses (including the consideration of major retail developments with 6,000 square metres or more of retail gross floor area in accordance with Policies 4.6.5 and 4.6.6 of the Official Plan and relevant Public Realm and Built Form policies), with the exception of residential, overnight accommodation, and live-work uses, are permitted on the lands prior to the completion of the studies identified in Policy 7 (the “Regeneration Area Studies”).
2. No form of residential or overnight accommodation will be permitted in *General Employment Areas* or *Regeneration Areas* prior to the completion of the Regeneration Area Studies.
3. Residential or overnight accommodation will only be permitted after the completion of the Regeneration Area Studies and:
 - a) the Owner has made reasonable contribution to the O'Connor Drive extension to the satisfaction of the General Manager, Transportation Services, and the Chief Planner and Executive Director, City Planning, including any required easements, setbacks, roadway conveyances, or financial contributions; and,
 - b) the Owner has submitted a Functional Servicing Report and Stormwater Management Report, Hydrogeological Review, including the Foundation Drainage Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water, and has secured the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in those reports.

Policy 3 a) above does not waive any of the Owners' rights in accordance with the *Expropriations Act*, R.S.O. 1990, c. E.26, as amended from time to time or any other legislation.

4. New development containing residential units on the site will secure a minimum amount of affordable housing as follows:

- a) if a condominium development is proposed, a minimum of 10 percent of the total new residential gross floor area shall be secured as affordable ownership housing or a minimum of 7 percent of the total new residential gross floor area shall be secured as affordable rental housing; or
- b) if a purpose-built rental development is proposed after 2025, a minimum of 5 percent of the total new residential gross floor area shall be secured as affordable rental housing;
- c) the affordable housing shall be secured at affordable rents or affordable ownership prices for a period of at least 99 years from the date of first residential occupancy of the unit; and
- d) the unit mix of the affordable housing shall reflect the market component of the development, as appropriate, to achieve a balanced mix of unit types and sizes and support the creation of affordable housing suitable for families.

5. Where a complete application for a Zoning By-law Amendment has not been filed prior to January 1, 2025, the affordable rental housing required in Policy 4a) will increase by 1.5 percent per year and affordable ownership housing requirements will be set at 1.4 times the affordable rental housing requirements.

6. The provision of affordable housing required by Policy 4 shall be secured by entering into a Municipal Housing Project Facility Agreement with the City or such other agreement(s) as may be satisfactory to the City Solicitor to secure the provision of affordable housing and any contributions thereto as applicable.

7. In addition to the matters identified in Official Plan Policy 2 of Section 4.7, *Regeneration Areas*, the framework for development on this site, will include the following reports and studies, to the satisfaction of the City, which may be filed with the site specific development application(s):

- a) A Land Use Plan that provides for the redesignation of *Regeneration Areas* lands to *Mixed Use Areas* and/or *General Employment Areas* and/or *Parks* as appropriate. The Land Use Plan will:
 - I. include a minimum of twenty percent of the total developable gross floor area as employment gross floor area at full build out of all the lands;
 - II. include a minimum of residential developable gross floor area ratio to the non-residential gross floor area, to be confirmed through the Regeneration Area studies; and,
 - III. determine the list of permitted non-residential uses as well as maximum percentages of these uses that contribute to the employment gross floor area.

b) A Housing Issues Report, to the satisfaction of the Chief Planner and Executive Director, that identifies the unit mix, unit sizes, and how affordable housing requirements will be met.

c) Urban Design Policies and Guidelines that set out the framework for the appropriate public realm and built form, including but not limited to:

I. Streets and streetscape, Privately Owned Publicly Accessible Open Spaces (POPS), mid-block connections, public art and heritage interpretation;

II. Requirements for built form, including setbacks, active at-grade uses, at-grade outdoor amenity spaces, vehicular access, parking and servicing areas, views and vistas, variety, variation, and transition in scale, base building and building heights, shadow impact on the public realm, tall building, mid-rise building, and low-rise building design, design excellence and sustainability measures.

d) A Phasing Strategy and Implementation Plan to provide for the sequencing of development, including:

I. the construction of non-residential gross floor area to be constructed, concurrent with residential gross floor area to provide a balance of employment and residential growth of development. A portion of the non-residential space may be provided as a later phase of development, provided the Owner demonstrates that sufficient land will be made available such that, at full build out of the lands, the twenty percent employment gross floor area will be accommodated

II. the provision of servicing and transportation infrastructure and services.

e) A Structure Plan, including cross-sections, that applies the City's "Complete Streets" principles and establishes a network of public streets, development blocks, pedestrian and cycling facilities and connections, and parks and open spaces that contributes to a safe, comfortable and connected public realm;

f) A Multi-Modal Transportation Impact Study (MMTIS) and a comprehensive Travel Demand Management (TDM) plan;

g) An Infrastructure Master Plan, including public utilities plan, that identifies such infrastructure as water, sanitary, stormwater and hydro infrastructure requirements and a development strategy;

h) A Green Infrastructure Strategy that includes consideration of low impact development, stormwater management systems, and measures to protect and ensure long term maintenance of trees;

i) An Energy Strategy to address energy conservation including peak demand reduction, resilience to power disruptions and small local integrated energy solutions that incorporate renewable, district energy, combined heat and power or energy storage to address the City's targets of carbon reduction; and,

****Confidential Draft Subject to Client Solicitor Privilege****

j) A Community Services and Facilities Strategy that identifies community space and facilities needs and sets out priorities to support growth which may include potential locations and phasing as well as opportunities for co-location.

8. A holding (H) provision may be placed on the lands until matters set out in this policy or conditions set out in a site specific zoning by law are satisfied.

