

July 4, 2022

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CONFIDENTIAL AND WITHOUT PREJUDICE

File 18163.00001

City of Toronto  
Legal Services  
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**Attn: Laura Bissett and Cameron McKeich**

Dear Ms. Bissett and Mr. McKeich

**Re: City of Toronto - Appeals of OPA 231 (OLT Case No. PL140860)  
2006-2010 Dundas Street West, Toronto  
Offer to Settle from Jacinto's Carwash Ltd. and Portuguese Village Investments  
Limited (Party No. 203)**

We are the lawyers for Jacinto's Car Wash Ltd. and Portuguese Village Investments Limited (collectively referred to as "**Client**"), owners of the property municipally known as 2006-2010 Dundas Street West (the "**Site**"), in the City of Toronto (the "**City**"). Our Client is a party to the above-noted appeals of OPA 231 in OLT Case No. PL140860 (the "**Appeals**").

We are writing on a confidential and without prejudice basis to offer to settle our Client's objection to OPA 231 as it pertains to our Client's Site. Below, we offer both background context of our Client's involvement in the Appeals and a description of the settlement proposal for your consideration.

### **Background**

Our Client's Site is located north of Dundas Street West, east of Silver Avenue and south of Golden Avenue. Prior to OPA 231, the majority of Site was subject to Site and Area Specific Policy 154 ("**SASP 154**") pursuant to the City's Official Plan – Chapter 7, as shown on Map 15. The Site comprises part of the triangular-shaped SASP 154 area on the north side of Dundas Street West and backing on to the rail corridor.

OPA 231, as adopted by City Council, has the effect of retaining SASP 154 on only a small portion of the triangular-shaped area on the north side of Dundas Street, and removing it entirely from

our Client's Site. In policy terms, the effect of this removal is to have the "Core Employment" policies in place for these lands without the added flexibility to allow for mixed-used redevelopment that includes residential, and thus amounts to a down-designation of the Site. In practical terms, this down-designation significantly impairs both its redevelopment potential and its value. This is especially the case because notwithstanding OPA 231, a portion of client's lands continues to remain designated for mixed use development. It is not practical to have only a portion of the Site designated mixed use when a much larger portion could appropriately be designated mixed use while retaining a portion for core employment purposes.

To address these concerns regarding the deletion of SASP 154 as it applies to the Site, our Client obtained party status in the Appeal in 2017.

### **Settlement Proposal – Proposed Site and Area Specific Policies and Mapping**

In the interests of resolving our Client's involvement in the Appeals, and on a without-prejudice basis, we hereby offer to settle our Client's matter on the following terms:

- Our Client will present the enclosed Site and Area Specific Policies and mapping applicable to our Client's Site ("**SASPs**") to the Tribunal with the consent of the City at a settlement hearing to occur on the first available date. The enclosed SASPs were prepared in collaboration with City staff and we understand that City staff support the policies.
- The enclosed SASPs would maintain the Mixed-Use Areas designation on the front portion of the Site, redesignate the middle section of the Site from Core Employment to Mixed Use, and retain the rear 30 metres of the Site in the Core Employment area.
- The attached SASPs would permit residential uses but would also require the Site to include a minimum of 2,000 square metres (or 15% of the development GFA) for the compatible Core Employment uses listed in the attached draft SASPs. This proposal would ensure that any residential development on the Site is accompanied by employment uses.
- The resolution is on a no-costs basis.

We look forward to receiving your response to this offer to settle our Client's matter. In the meantime, should you have any questions, please do not hesitate to contact Paul Chronis, Senior Planner in our office at 416.947.5069 or by email at [pchronis@weirfoulds.com](mailto:pchronis@weirfoulds.com).

Yours truly,

**WeirFoulds LLP**



Per: Raj Kehar  
Partner

RK/cd  
Encl.

cc: Client and Christina Kapelos

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**2006 & 2010 Dundas Street West – Potential SASP Language**

- a) Sensitive land uses, including new residential uses, on lands designated *Mixed Use Areas* will be located, designed and buffered to mitigate impacts from, be compatible with, the ongoing operation and expansion of nearby employment uses, and any new employment uses within the surrounding *Core Employment Areas*.
- b) Any residential development within the *Mixed Use Areas* designation portion of the lands will provide a full range of housing in terms of tenure and affordability, and should provide a mix of unit types including units that are suitable for families with children and units that are accessible for seniors.
- c) Any redevelopment within the *Mixed Use Areas* designation portion of the lands will ensure that adjacent *Core Employment Areas* portion of the lands are accessed from Dundas Street West, to ensure no lots become landlocked.
- d) New non-residential uses in the lands designated as *Core Employment Areas* will be located and designed to mitigate impacts from and be compatible with the rail corridor and be compatible with new mixed use development in the adjacent *Mixed Use Areas* on the lands, to the City's satisfaction.
- e) A minimum of 2,000 square metres or 15% of the total gross floor area of the development, whichever is greater, will be employment gross floor area that:
  - i. will be comprised of uses permitted in *Core Employment Areas* and *General Employment Areas* that are compatible with residential uses determined by a Compatibility/Mitigation Study;
  - ii. will be constructed on the lands prior to or concurrent with any residential gross floor area; and
  - iii. a minimum of 51% of the required employment gross floor area shall be *Core Employment Areas* uses such as artist studios, creative industry spaces, warehousing, offices, performing arts studios, light manufacturing, offices, incubator and/or co-working space.
- f) A variety of employment types, including a range of non-residential unit sizes and value-added creative industry spaces will be encouraged in the redevelopment of the lands.
- g) For new development within the 30 metre setback adjacent to the rail corridor on the lands designated *Core Employment Areas*, only the following uses are permitted:
  - i. rail safety and vibration/noise mitigation structures and open space; and
  - ii. auxiliary building and/or structures used for activities with low numbers of users such as parking, storage, warehousing and loading.

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- h) As part of a Zoning By-law Amendment application, an alternative to the requirements in policy g) above may be proposed through a peer-reviewed Rail Safety and Rail Mitigation Report that is acceptable to the City and the applicable rail operator; however, only *Core Employment Areas* uses may be permitted within the *Core Employment Areas* portion of the lands.
- i) A portion of a building situated within the *Core Employment Areas* portion of the lands may be used for parking, loading, service, access and/or mechanical facilities that serve both the users of the *Mixed Use Areas* portion of the development and users of the *Core Employment Areas* portion of the development. No residential uses are permitted within the *Core Employment Areas*.
- j) As part of a complete Zoning By-law Amendment application:
  - i. a Compatibility/Mitigation Study, Noise Impact Study and Vibration Study shall be submitted, peer reviewed and implemented, at the applicant's expense, to the City's satisfaction.
  - ii. a Rail Safety and Rail Mitigation Report shall be submitted, peer reviewed and implemented, at the applicant's expense, to the City's satisfaction, and reviewed by the applicable rail operator.

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**Possible Land Use Designation Change with above draft SASP language applied to entire lands:**



30 m Rail Buffer



30m rail buffer



Portion of 2006 & 2010 Dundas Street West that could be redesignated to *Mixed Use Areas*



2006 & 2010 Dundas Street West

2006 & 2010 Dundas Street West

\*SASP mapping and OP mapping forthcoming