

**WITHOUT PREJUDICE**

March 2, 2023

**VIA EMAIL**

Mr. Ray Kallio  
Solicitor, Planning & Administrative Tribunal Law  
City of Toronto, Legal Services Division  
Metro Hall, 26th Floor  
55 John Street  
Toronto, Ontario M5C 3C6

Dear Mr. Kallio:

**RE: 2650 ST. CLAIR AVENUE WEST**

**APPLICATION FOR SITE PLAN APPROVAL  
CITY FILE NO. 22 142181 WET 05 SA  
OLT FILE NO. OLT-23-000054**

**OFFER TO SETTLE**

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**BACKGROUND**

As you are aware, we are the lawyers for 1322104 Ontario Inc. ("**Dunpar**"), the owner of the property municipally known as 2650 St. Clair Avenue West (the "**Property**").

This Offer to Settle is being made in respect of the above-noted application filed by Dunpar for Site Plan Approval (the "**Application**") and deemed complete on June 8, 2022. This Application is the subject of the above-noted appeal (the "**Appeal**") before the OLT (the "**Tribunal**").

The Tribunal scheduled the Appeal to proceed to a 3-day hearing beginning on March 1, 2023 (the "**Hearing**") with less than 30-days' notice to Dunpar and the City of Toronto (the "**City**").

In the interests of discussing settlement options, Dunpar and the City agreed to adjourn the Appeal to a later date and notified the Tribunal of this agreement on February 17, 2023.

This Offer to Settle is the result of those settlement discussions. Subject to the removal or deferral of certain outstanding comments to the Second Stage of Site Plan Approval ("**NOAC**"), as further described and responded to below, I am of the firm opinion that Dunpar could collaboratively work with City staff to resolve any remaining comments by the March 29, 2023 Meeting of City Council.

The foregoing resolution would allow for City Council or its delegate to approve the Site Plan attached to this Offer to Settle as Appendix "**A**".

## **SITE PLAN APPROVAL COMMENTS**

Dunpar received comments in respect of the Application through the circulation process and through discussions with City staff and counsel.

- (1) Transportation Planning;
- (2) Urban Design;
- (3) Parks Development;
- (4) Urban Forestry;
- (5) Engineering and Construction Services; and
- (6) Environment and Energy Division

Dunpar accepts the comments received from (1) Transportation Planning, (3) Parks Development, (4) Urban Forestry, and (6) Environment and Energy Division and has satisfied the comments of these City Departments. We will continue to work with staff from these City Departments during NOAC.

Dunpar also received other comments from other Commenting Agencies:

- (7) Canada Post;
- (8) CP Rail;
- (9) Enbridge;
- (10) The Toronto Catholic School Board; and,
- (11) Toronto Hydro.

Dunpar also accepts the comments received from (7) Canada Post, (8) CP Rail; (9) Enbridge; (10) The Toronto Catholic School Board; and (11) Toronto Hydro, and has satisfied the comments of these Commenting Agencies. We will also continue to work with staff from these Commenting Agencies during NOAC.

## **THE OUTSTANDING SITE PLAN APPROVAL COMMENTS**

### **URBAN DESIGN**

On February 9, 2022, Dunpar received comments from Urban Design, some of which we disputed. However, Dunpar and the City have already resolved some of these comments through productive negotiations and discussions. We have reproduced below the remaining comments, along with the response from Dunpar's expert consultants:

#### *Trees and Environment*

- *The soil Volume Plan shows a few trees' soil volumes are less than the required min. 30 m3 per tree. Please provide additional soil volume to meet the requirement and support healthy tree growth in the long term.*

**Response:** The soil Volume Plan prepared by Vertech Designs dated April 22, 2022 is consistent with the settlement approved by the Tribunal in December 2021. Moreover, while the soil volume plan does include some trees with a soil volume less than 30 m3, these are mainly low-traffic areas where private enjoyment will occur and compaction of soil is not anticipated in comparison to areas such as the POPS area, which will be enjoyed by the public. No tree planting has less than 20 m3 of soil volume per tree.

### Lighting

- *The proposed illumination levels are below the City's standard at a few locations, and there is no light on the walkway between Block C and E. Please revise Photometric Plan to provide adequate and effective lighting for the walkway, outdoor amenities, and entrances.*
- *Please provide pedestrian-scale lighting.*

**Response:** The illumination levels proposed for the lighting plan are appropriate and respectful of the predominantly low-density residential neighbourhood to the east, north and west. If additional lighting is demonstrably required to promote greater safety, an updated lighting plan can be provided as a condition of approval at NOAC.

Any remaining Urban Design-related issues will be addressed during NOAC.

## **ENGINEERING AND CONSTRUCTION SERVICES**

On various dates, Dunpar received comments from Engineering and Construction Services. Dunpar and the City have already resolved many of these comments through productive negotiations and discussions. We have reproduced below the remaining comments, along with the response from Dunpar's expert consultants:

### **SOLID WASTE SERVICES**

1. *Revised waste management plan must remove references to private waste collection. New developments must be designed to allow for City waste collection services and meet the Solid Waste requirements for new developments. Currently, the waste management plan and site plan drawings do not comply with this. Please contact Solid Waste for details required in waste management plans.*

**Response:** As discussed with staff in coming to a settlement of OLT 22-002 547, waste collection for the site will be private. Dunpar will therefore make an application to the City's Waste Services General Manager to opt out of Toronto solid waste collection services in perpetuity. Accordingly, the references to private waste collection are appropriate.

2. *Proposed cart storage in garages does not meet minimum requirements for waste storage. Revised drawings must indicate a waste storage room(s) that total a minimum 49 square meters in size. They must be located in areas that are convenient to all residents. The currently proposed waste storage is shared curbside bins in individual waste storage areas that do not meet minimum requirements.*

**Response:** The storage spaces in the garages for each residential block (as identified in the Waste Management Plan) provide sufficient space for the storage of carts to be used in the curb-side collection system for the development. The number of carts was determined based upon volumetric calculations for the quantity of waste materials generated from each block of townhouses on a weekly basis.

3. *Revised drawings must indicate a bulk storage room of minimum 10 square metres. The currently proposed bulk waste storage is shared within a design that mimics an individual waste storage area that do not meet minimum requirements.*

**Response:** Bulk waste storage areas have been identified based on the requirements for each of the residential blocks.

4. *Revised drawings must indicate and annotate a Type G loading space that is 13 metres in length, 4 metres in width, has an unencumbered vertical clearance of 6.1 metres, is level (+/-2%), and is constructed of a minimum of 200 mm reinforced concrete. No loading has been provided.*
5. *Revised drawings must indicate and annotate a staging pad abutting the front of the Type G loading space that will be at least 5 square metres, have an unencumbered vertical clearance of 6.1 metres, constructed of 200mm reinforced concrete and have a grade of no more than 2%. No staging has been provided.*

**Response:** These requirements do not apply since 2650 St. Clair Ave W will have a privately operated curb-side collection system for.

6. *Revised drawings must indicate that all access driveways to be used by the collection vehicle will be level (+/-8%), have a minimum vertical clearance of 4.4 metres throughout, a minimum 4.5 metres wide throughout and 6 metres wide at point of ingress and egress. No notations provided.*

**Response:** The locations of the set-out areas along the internal roadways have been identified in the Waste Management Plan, and access will be from St. Clair Ave. W.

7. *Revised drawings must indicate and annotate a collection vehicle movement diagram that has a length of 12 metres and a width of 2.4 metres with a minimum inside/outside turning radii of 9.5 metres and 14 metres respectively, when entering, exiting, travelling throughout the site and entering/exiting the type G loading space. The diagram must also indicate the ability of the collection vehicle to enter and exit the site in a forward motion with no more than a three-point turn. Incorrect waste collection vehicle movement diagram provided.*

8. *If the planned movement of the collection vehicle is adjacent to exits from the parking garage revised drawings must indicate a warning system to caution motorists leaving the parking garage of heavy vehicles when loading operations are occurring. This warning system should include both lights and signs.*

**Response:** Tetra Tech has prepared revised drawings depicting vehicle collection movements and the warning system, which it will provide to City staff.

9. *Revised drawings must annotate that a trained on-site staff member will be available to manoeuvre bins for the collection driver and also act as a flagman when the truck is reversing. In the event the on-site staff is unavailable at the time the City collection vehicle arrives at the site, the collection vehicle will leave the site and not return until the next scheduled collection day. No notations provided.*

10. *Toronto Green Standard - Solid Waste TGS Tier 1:  
SW 1.1 has not been satisfied  
SW 1.2 has not been satisfied  
SW 1.3 has not been satisfied  
SW1.4 has not been satisfied*

**Response:** These requirements do not apply to a private curb-side collection system.

#### **STORMWATER MANAGEMENT & DRAINAGE**

*4.2(e) Based on the survey plan, it appears that there are external areas from the north and east neighbouring properties that drain through the site. If so, please show on a figure and advise how the external drainage will be accommodated in the post-development scenario.*

**Response:** The proposed grades within the development are lower than the existing grades along the north and east neighboring properties. As such, the proposed development will not impede any external drainage that may enter the site and simply drain “through” the site. The site’s SWM system is not specifically designed to provide any quantity or quality control for any external flows. During smaller storm events, external flows will naturally be captured by the site’s storm system and discharge via storm connection. However, in the event of 100-year storm and above, when the developments SWM capacity is full, these external flows will follow the inherent spillover overland flow routes into the right-of-way.

*6(h) The minimum grade for a storm sewer service is 2.0%.*

**Response:** The 1% pipe gradient is proposed to maximize the clearance below existing sanitary sewer. Consideration to this constraint should be given. There are numerous examples of service laterals at a gradient of less than 2% in the City due to physical constraints

*6(i) The maximum cover for the storm sewer service is 2.4 m from the finished centre line road elevation to overtop of the sewer.*

**Response:** The proposed depth of the storm service connection is required to provide cover over the pipe within the site. It is also required for the storm service to cross under the sanitary sewer in the road. Consideration to these constraints should be given. There are many examples of service laterals installed at a depth greater than 2.4m within the City due to these types of constraints.

*6(j) The minimum vertical separation for the proposed storm service and the 225 mm sanitary service is 300 mm.*

**Response:** Due to the elevations of the storm and sanitary sewers only a clearance of 140mm can be provided. It is noted that the existing storm service connection would also have this same clearance.

Any remaining storm water management issues can be resolved during NOAC.

## **CONCLUSION**

If City Council approves this Offer to Settle, Dunpar will lead the required evidence at the Hearing in support of the Settlement Proposal and present the Conditions of Approval to the Tribunal prior to the issuance of the final order received from City staff as of February 15, 2023 included in Appendix "B".

This Settlement Offer is open until the day before the Hearing of the Appeal, following which it will become null and void if not accepted. In this regard, the Offer to Settle is being submitted for consideration by City Council at its meeting on March 29, 2023. If the Offer to Settle is accepted, we consent to it being made public and City Council's consideration thereof being made public.

Sincerely,

**Dunpar Homes**



Luke Johnston  
Executive Vice President of Development and General Counsel  
Dunpar Homes  
416 236 9800 x256  
l.johnston@dunpar.ca

cc. Michael Nemanic  
Ray Kallio

Encl. Appendices

# APPENDIX “A”





**LEGEND**

- PROPOSED FIRE HYDRANT
- PROPOSED STACKED HYDRO METER LOCATION & No.
- PROPOSED ELECTRICAL LANTERN
- PROPOSED WALL MOUNTED LIGHT FIXTURE
- PROPOSED GAS METER LOCATION & No.
- PROPOSED MAILBOXES
- PROPOSED BICYCLE PARKING LOT
- PROPOSED OUTDOOR TABLE
- PROPOSED PEDESTRIAN EXIT DOOR
- PROPOSED ENTRANCE DOOR
- PROPOSED OVERHEAD DOOR
- REVISION BUBBLE
- UNLOCK "BRUSSELS BLOCK" PAVERS IN 50/50 MIX OF SANDSTONE & LIMESTONE IN 6X4 LAID BRICK PATTERN
- PLAYGROUND SURFACE MATERIAL
- PROPOSED CURB CUTS & CURB DEPRESSIONS
- PROPOSED PEDESTRIAN CROSSWALK
- FOR ALL PATIOS AND SIDE WALKS REFER TO LEGEND ALL LANE WAYS AND FIRE ROUTES ARE ASPHALT PAVING
- PROPOSED RETAINING WALL
- PROPERTY LINE
- TYPICAL PARKING SPACE
- ACCESSIBLE PARKING SPACE

**RESIDENTIAL - 2650 St. Clair Ave. Site Statistics**

Date: 2022-04-26

	Square Metres	Acres
<b>Total Site Area:</b>	9,364	2.31
<b>Total Number of Units:</b>	96	

Park	Required (m2)	%	Provided (m2)	%
POPS	1280	12	1583	17
<b>Total Park Area</b>			<b>1583</b>	<b>17</b>

Total Building Area		
Block A		759
Block B		749
Block C		838
Block D		414
Block E		838
Block F		924
<b>Total Building Area:</b>		<b>4522</b>

Total Building GFA		
Block A		2659
Block B		2629
Block C		2896
Block D		1624
Block E		2896
Block F		3154
<b>Total Site GFA:</b>		<b>15858</b>

Building Private Amenity		
Block A		403
Block B		410
Block C		459
Block D		260
Block E		459
Block F		496
<b>Total Paved Area:</b>		<b>1839</b>

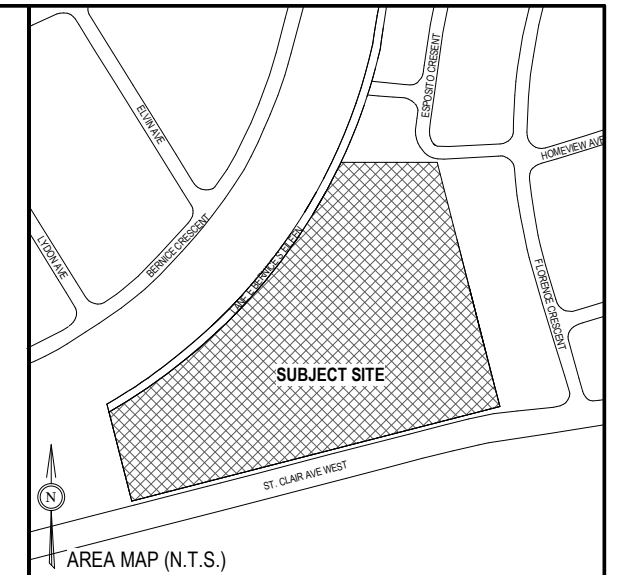
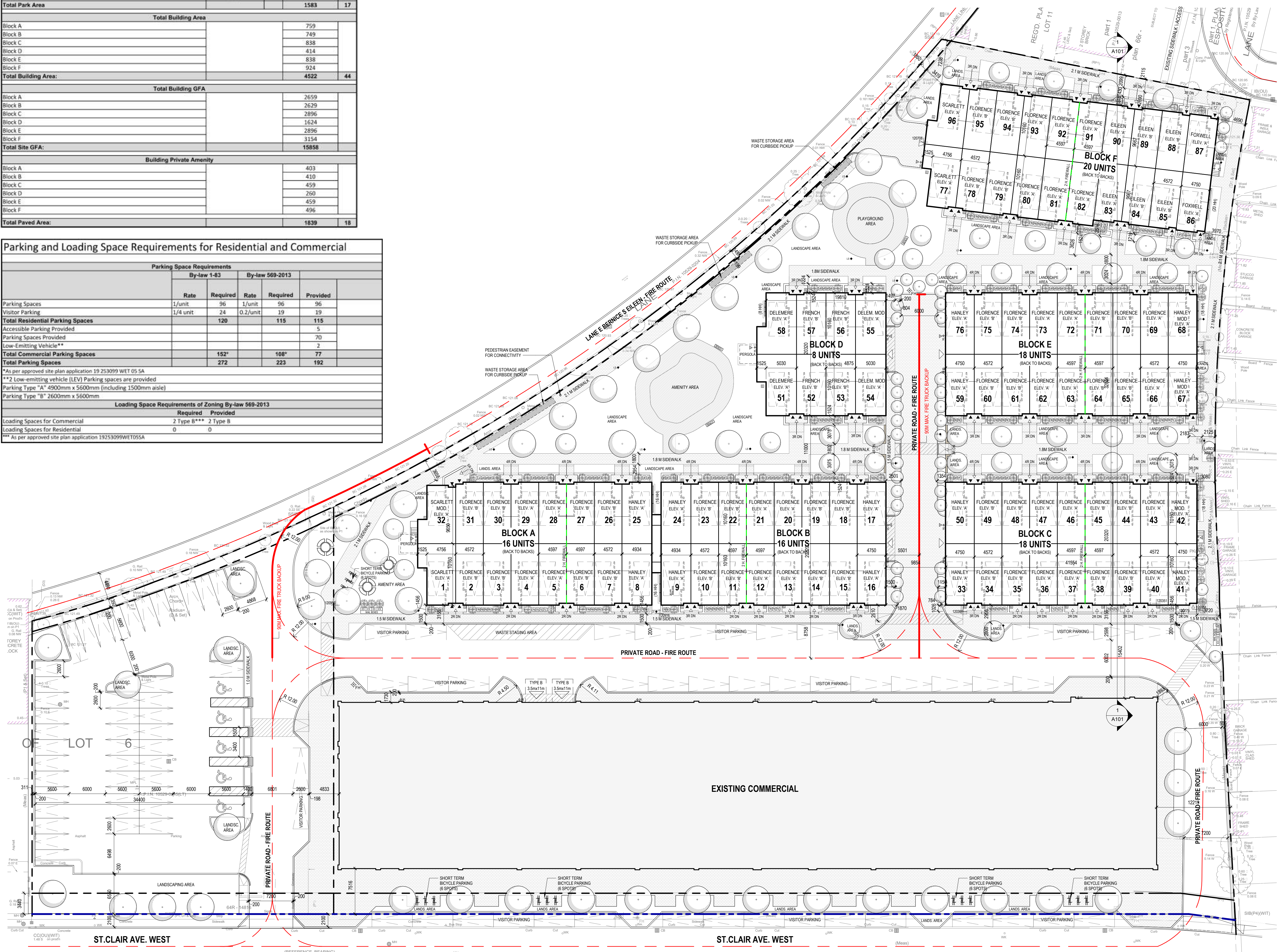
**Parking and Loading Space Requirements for Residential and Commercial**

	Parking Space Requirements				
	By-law 1-83		By-law 569-2013		Provided
	Rate	Required	Rate	Required	
Parking Spaces	1/unit	96	1/unit	96	96
Visitor Parking	1/4 unit	24	0.2/unit	19	19
<b>Total Residential Parking Spaces</b>		<b>120</b>		<b>115</b>	<b>115</b>
Accessible Parking Provided					5
Parking Spaces Provided					70
Low-Emitting Vehicle**					2
<b>Total Commercial Parking Spaces</b>		<b>152*</b>		<b>108*</b>	<b>77</b>
<b>Total Parking Spaces</b>		<b>272</b>		<b>223</b>	<b>192</b>

\*As per approved site plan application 19 253099 WET 05 5A  
 \*\*2 Low-emitting vehicle (LEV) Parking spaces are provided  
 Parking Type "A" 4900mm x 5600mm (including 1500mm aisle)  
 Parking Type "B" 2600mm x 5600mm

	Loading Space Requirements of Zoning By-law 569-2013	
	Required	Provided
Loading Spaces for Commercial	2 Type B***	2 Type B
Loading Spaces for Residential	0	0

\*\*\* As per approved site plan application 19253099WET055A



No.	DESCRIPTION	DATE
	REVISION RECORD	

ISSUED FOR SPA 1 2022-04-26  
 ISSUED FOR RE-ZONING 2022-01-21

**ISSUED RECORD**

**D**  
DUNPAR

**LAMBTON TOWNS**  
 2650 ST. CLAIR AVE WEST  
 CITY OF TORONTO, ON

SCALE 1 : 300 NORTH

DRAWING TITLE  
**SITE PLAN**

CLIENT  
**1386073 - ONTARIO INC.**  
 105 SIX POINT ROAD ETOBICOKE ON M2X 2X3 TEL: 416 236 9800  
 FAX: 416 236 9090

DRAWN	LS	PAGE NO.
CHECKED	AS	<b>A100</b>
DATE		2022-04-07