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File No. 23088

April 24, 2023

WITHOUT PREJUDICE & CONFIDENTIAL

VIA EMAIL: laura.bissett@toronto.ca; cameron.mckeich@toronto.ca

Cameron McKeich and Laura Bissett
City of Toronto Legal Services
Planning & Administrative Tribunal Law
Metro Hall, 26th Floor
55 John Street
Toronto, ON M5V 3C6

Dear Mr. McKeich/Ms. Bissett:

Re: 1235-1255 Lawrence Avenue West and 3-23 Benton Road, Toronto
OPA 231 Appeal
Without Prejudice Settlement Offer

As you know, we are the solicitors for G. Gagliano Properties Ltd./Benton Property Corp., the owner of the lands known municipally as 1235-1255 Lawrence Avenue West and 3 to 15 Benton Road (the "Site"), and the appellant with respect to the above noted OPA 231 appeal.

Without Prejudice Settlement Offer

Further to our discussions with you, we are pleased to provide the following settlement offer on a without prejudice basis in full settlement of this appeal:

- (1) The City and our client would agree to the redesignation of the majority of the Site to Mixed Use Areas save and except the rear 20 metre portion of the Site which would remain Core Employment Areas as set out in the attached draft Site and Area Specific Policy (the "SASP");
- (2) Our client would agree to scope its appeal to cover only the lands that it currently owns; and
- (3) Our client would agree to the policies set out in the attached SASP which include, amongst other things, minimum requirements for employment uses on the Site and minimum requirements for affordable housing.

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Implementation of the Settlement

If City Council approves the above noted settlement terms, our client proposes to implement the settlement through a settlement hearing for the existing OPA 231 appeal.

We can confirm that, if City Council accepts the above noted settlement terms, this offer will become with prejudice and this settlement offer can be released to the public.

If you have any questions regarding the above, please do not hesitate to contact me at 416.645.4572 or via email at jason.park@ksllp.ca.

Yours truly,

KAGAN SHASTRI DeMELO WINER PARK LLP



Jason Park
JIP/ss

Please reply to the: Downtown Office

Enclosures

cc: G. Gagliano Properties Ltd./Benton Property Corp.

**OPA 231 Appeal No. 92
– Without Prejudice –**

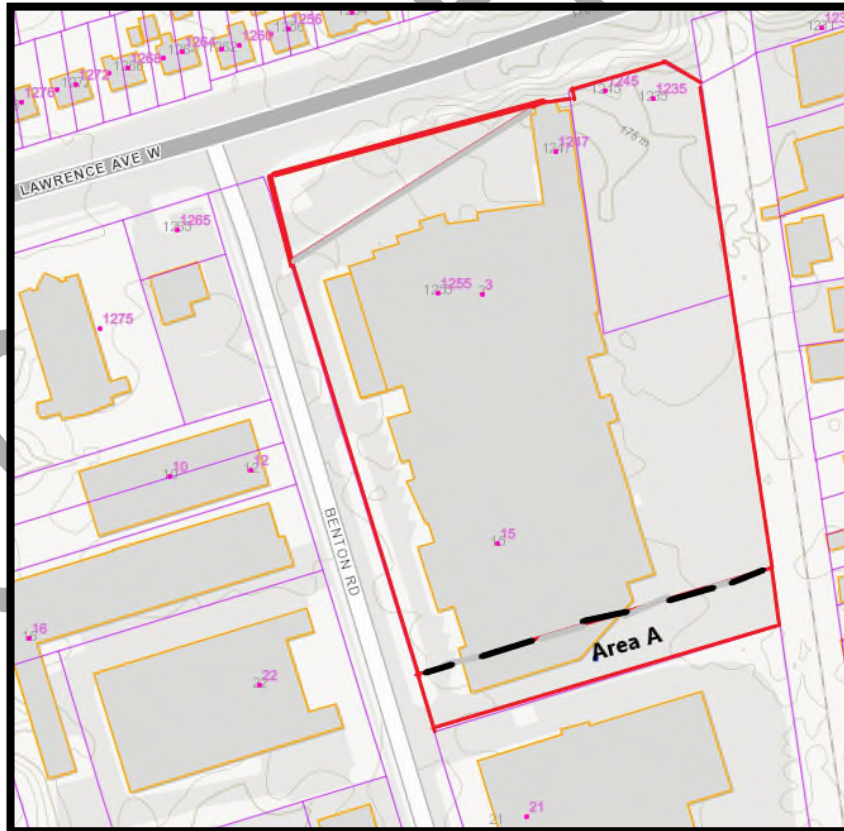
**Modification to OPA 231
1235-1255 Lawrence Avenue West and 3-15 Benton Road**

OPA 231 is modified with respect to the lands municipally known in 2022 as 1235-1255 Lawrence Avenue West and 3 and 15 Benton Road as follows:

1. Map 2, Urban Structure, shown as Appendix 1, is modified by deleting *Employment Areas* on the lands municipally known in 2022 as 1235-1255 Lawrence Avenue West, 3 Benton Road and a portion of 15 Benton Road, as shown on attached Schedule A.
2. Map 23 of 48, shown in Appendix 2, is modified by redesignating the lands municipally known in 2022 as 1235-1255 Lawrence Avenue West, 3 Benton Road and a portion of 15 Benton Road from *General Employment Areas* and *Core Employment Areas* to *Mixed Use Areas*, as shown on attached Schedule B.
3. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy [# tbd] for the lands municipally known in 2022 as 1235-1255 Lawrence Avenue West, 3 and 15 Benton Road, as follows:

'[#]. 1235-1255 Lawrence Avenue West, 3 and 15 Benton Road

{{ Proper SASP map to be prepared with 20 metre dimension shown for Area A to the distance from the dotted line to the south property line}}



1. A mixed-use and mixed-income development is permitted provided that:

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- a) A minimum of 20,500 square metres of employment gross floor area is developed at full build out of the lands. The employment gross floor area will:
 - i. be comprised of uses permitted in *Core Employment Areas* and *General Employment Areas* that are compatible with residential uses;
 - ii. be constructed on the lands prior to or concurrent with any residential gross floor area;
 - iii. contain a minimum of 50 percent of employment gross floor area devoted to *Core Employment Areas* uses such as office, media, artist studio, lab, research and development facilities, information and technology facilities, cultural industry spaces, incubator and/or co-working space; and
 - iv. contain not more than 4,000 square metres of the employment gross floor area devoted to retail and personal service uses.

- b) New development containing residential units is located on the part of the lands designated *Mixed Use Areas* and will secure a minimum amount of affordable housing as follows:
 - i. if a condominium development is proposed, a minimum of 5 percent of the total new residential gross floor area shall be secured as affordable ownership housing or a minimum of 5 percent of the total new residential gross floor area shall be secured as affordable rental housing; or
 - ii. 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;
 - iii. the affordable housing shall be secured at affordable rents or affordable ownership prices for a period of at least 25 years from the date of first residential occupancy of the unit; and
 - iv. 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.

- c) The provision of affordable housing required by Policy b) shall be secured through one or more agreements with the City.

- d) Conditions to be met prior to the removal of a holding ("H") provision on the lands shall include the following:
 - i. Entering into a Municipal Housing Project Facility Agreement or such other agreement(s) as may be satisfactory to the City Solicitor to secure the provision of affordable housing; and
 - ii. The submission and acceptance of 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.

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- e) As part of a complete Zoning By-law Amendment application for the lands:
 - i. a phasing plan will be submitted to demonstrate, to the City's satisfaction, how the required non-residential gross floor area will be achieved; and
 - ii. a Rail Safety and Rail Mitigation Report will be submitted, peer reviewed and implemented, at the applicant's expense, to the City's satisfaction, and reviewed by the applicable rail operator.
 - f) Development will be set back a minimum of 30 metres from the property line of the rail corridor, or an appropriate distance deemed to provide risk mitigation through a peer-reviewed Rail Safety and Risk Mitigation Study.
 - g) Employment uses on the lands will be located and designed to mitigate impacts from and be compatible with existing nearby employment uses and the rail corridor.
2. Area A may be used for underground parking, loading, service, access and/or mechanical facilities to serve the uses on the *Mixed Use Areas* portion of the lands. No residential uses are permitted in Area A.

*1 *These figures are currently being confirmed and will be shared with you as soon as possible.*

Schedule A



Schedule B

