#### CC13.17 - CONFIDENTIAL APPENDIX "A" Part 1 - made public on December 20, 2023

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November 24, 2023

Via Email (mark.crawford@toronto.ca)

#### Without Prejudice

Toronto City Council c/o Sylwia Przezdziecki, City Clerk's Office Toronto City Hall, 12th Floor, West Tower 100 Queen Street West Toronto, ON M5H 2N2 Mark Crawford, Solicitor City of Toronto Legal Services, Planning & Administrative Tribunal Law Section Metro Hall, 55 John Street, 26th Floor Toronto, ON M5V 3C6

To Whom it May Concern:

Re: Settlement Offer – 975 Danforth Avenue
Ontario Land Tribunal Case No. OLT-22-004703
City of Toronto Planning Application No. 22 146296 STE 14 OZ

We represent Danforth Euston Holdings Inc. (the "**Applicant**"). On April 30, 2022, the Applicant submitted an application to amend the City's Zoning By-law No. 569-2013 (City Application No. 22 146296 STE 14 OZ – the "**Application**") for the property municipally known as 975 Danforth Avenue (the "**Subject Property**") in the City of Toronto (the "**City**").

On November 18, 2022, the Applicant appealed the Application to the Ontario Land Tribunal (the "**Tribunal**"), pursuant to subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13 (Tribunal Case No. OLT-22-004703 – the "**Appeal**").

Further to our discussions with City staff, we write to make a without prejudice offer to settle the Appeal with the City in its entirety (the "**Settlement Offer**").

The Settlement Offer terms are as follows:

#### 1. <u>Built Form and Urban Design</u>

The zoning by-law amendment will permit the proposed mixed-use development (the "**Development**"), generally in accordance with the set of plans and drawings which is attached hereto as **Error! Reference source not found.** (the "**Settlement Plans**"), and subject to the matters expressly set out herein, which includes the following attributes:

(a) a mixed-use building, comprised of approximately 3,847.53 square metres of residential gross floor area and 449.67 square metres of non-residential gross floor area;



- (b) massing, setbacks, and step-backs generally as depicted in the Settlement Plans, incorporating:
  - (i) a revised massing of nine storeys and a maximum height of 30 metres, the measurement of which excludes the following:
    - A. a top level exclusively dedicated for a mechanical penthouse and indoor amenity space and outdoor amenity space; and
    - B. an elevator overrun.
  - (ii) for the portion of the Development on the ground floor, setbacks as follows:
    - A. 0.4 metres from the north;
    - B. 7.5 metres, including the laneway, from the south; and
    - C. no setbacks from the east and west.
  - (iii) for the portion of the Development at the fifth to eighth storey:
    - A. no balconies on the south or west side;
    - B. non-contiguous balconies on the north side with a maximum depth of 1.5 metres; and
    - C. minimum step-backs of:
      - a) 3.0 metres from the north building edge;
      - b) 1.0 metre from the south building edge;
      - c) 1.0 metre from the west building edge; and
      - d) no step-backs from the east building edge.
  - (iv) for the portion of the Development at the ninth storey, a step-back of:
    - A. 2.75 metres from the south building edge; and
    - B. no step-backs from the north, east, and west building edge.
  - (v) for the portion of the Development at the indoor/outdoor amenity and mechanical penthouse floor:
    - A. step-backs as follows, which are inclusive of the 0.5 metre planting buffer described in B., below:



- a) 5.0 metres from the north building edge to the indoor amenity wall;
- b) 3.0 metres from the south building edge to the indoor amenity wall;
- 3.0 metres from the west building edge to the indoor amenity wall;
- d) no step-backs from the east building edge; and
- e) a maximum floor height of 3.0 metres (with a maximum of 5.0 metres for the elevator overrun);
- B. a 0.5 metre planting buffer along north, south, and west building edge at the indoor/outdoor amenity and mechanical penthouse floor. This planting buffer will be excluded from the outdoor amenity space but will be captured towards the Toronto Green Standard and the Toronto Green Roof by-law requirements.
- (c) amenity space at a total of approximately 237.2 square metres, comprised of approximately 107.95 square metres of indoor amenity space and 129.25 square metres of outdoor amenity space (inclusive of a 5.0 square metre pet wash on the ground floor as part of the indoor amenity space calculation).

The Settlement Plans included alongside this Settlement Offer, if accepted by City Council, are intended to amend the plans previously submitted to the Tribunal for the Appeal.

#### 2. Other Settlement Terms

The Applicant also agrees to the following:

- a shadow study will be completed that examines shadow conditions on the Danforth Avenue north sidewalk as a result the indoor/outdoor amenity and mechanical penthouse floor;
- (b) the basement level shall include a bike repair amenity space on P2;
- (c) a 3.0 metre pedestrian clearway on Danforth Avenue and 2.1 metre pedestrian clearway on Euston Avenue will be provided;
- (d) all parking spaces will be accessible parking, electric vehicle parking, or car share parking (for greater certainty, the applicant agrees to one car-share space, accessible parking according to City By-law No. 89-2022, and EV parking according to the Toronto Green Standard);
- (e) parking stacking will be implemented; and,



(f) a non-binding commitment to explore the potential to include affordable housing on the Subject Property.

#### 3. Conditions Prior to the Issuance of a Final Order

The Applicant agrees that the following matters will be addressed to the satisfaction of the City prior to the issuance of a Final Order by the Tribunal:

- (a) the final form and content of the draft zoning by-law is to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
- (b) the Applicant addressing all outstanding issues raised by Engineering and Construction Services as they relate to the Application to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- (c) the Applicant addressing all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the Application, to the satisfaction of the Supervisor, Tree Protection and Plan Review; and,
- (d) the Applicant submitting a construction management plan to the satisfaction of the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning, prior to the commencement of any shoring or excavation work, which includes the requirement for the Applicant to undertake the following items in addition to the City's standard construction management plan:
  - (i) to establish of a construction liaison committee made up of local residents and businesses including a representative from local residents associations, to the satisfaction of the local Councillor, with the construction liaison committee to meet once every two weeks (or at longer intervals agreed between the parties at each meeting) starting at the beginning of construction, and notes/action items from those meetings to be shared with the members and the Councillor's office in a timely way following each meeting;
  - (ii) to sweep the construction site daily and nightly, or more frequently as needed to be cleared of any construction debris and made safe;
  - (iii) to pressure wash the construction site and adjacent sidewalks, laneways and roadways weekly, or more or less frequently as needed to be cleared of any construction debris and made safe;
  - (iv) to ensure that the existing sidewalks and all pedestrian walkways have proper lighting to ensure safety and visibility at all times of the day and night;
  - to consult and communicate all construction, parking and road occupancy impacts with local businesses and residents in advance of any physical road modifications;



- (vi) to install appropriate signage and converging mirrors where necessary to ensure that pedestrians', cyclists' and motorists' safety is considered at all times;
- (vii) to post a 24/7 contact number for the site superintendent on the construction hoarding.
- (viii) to create a publicly accessible website with regular construction updates and post the website address on the subject site; and,
- (ix) to allocate a minimum of 75 percent of the total surface area on the construction hoarding to artwork at the Applicant's sole cost, with the design and artist to be chosen at the Applicant's sole discretion.

#### 4. <u>Settlement Offer Conditions</u>

This Settlement Offer is conditional on:

- (a) City Council conditionally accepting this Settlement Offer during its meeting scheduled for December 13-15, 2023; and,
- (b) the City consenting to the Owner requesting a settlement hearing for the Appeal, to be held on a date to be scheduled as soon as possible, for the issuance of an Interim Order approving the Development and the Settlement Plans in principle.

This Settlement Offer is made without prejudice. Should the Settlement Offer be accepted by City Council, it may be released publicly.

Should you require further information please do not hesitate to contact our office.

Sincerely,

McCarthy Tétrault LLP

Michael Foderick\* Partner | Associé

MF/DA/rj Enclosure

#### **SCHEDULE "A"**

SETTLEMENT PLANS, PREPARED BY PARADIGM ARCHITECTURE AND DESIGN, DATED NOVEMBER 21, 2023.



## PROPOSED MIXED-USE **DEVELOPMENT**

975 DANFORTH AVE. TORONTO, ON M4J 1M1

SHEET NO.	SHEET NAME
A001	COVER
A002	SITE STATISTICS AND CONTEXT MAPS
A003	SITE PLANS
A004	TGS STATISTICS
A005	GROSS FLOOR AREA PLANS
A005B	GROSS LEASABLE AREA PLANS
A005C	GROSS CONSTRUCTION AREA PLANS
A006	UNIT PLANS
A101	FLOOR PLANS
A102	FLOOR PLANS
A103	FLOOR PLANS
A104	FLOOR PLANS
A105	FLOOR PLANS
A106	FLOOR PLANS
A107	FLOOR PLANS
A201	NORTH ELEVATION
A202	SOUTH ELEVATION
A203	EAST ELEVATION
A204	WEST ELEVATION
A206	DETAILED NORTH ELEVATION
A207	DETAILED SOUTH ELEVATION
A208	DETAILED EAST ELEVATION
A209	DETAILED WEST ELEVATION
A301	SECTIONS
A401	SOLAR STUDIES

 NO.
 DATE
 DESCRIPTION

 1
 2021-07-15
 PAC MEETING

 2
 2022-04-26
 ZBL/SPA COORDINATION

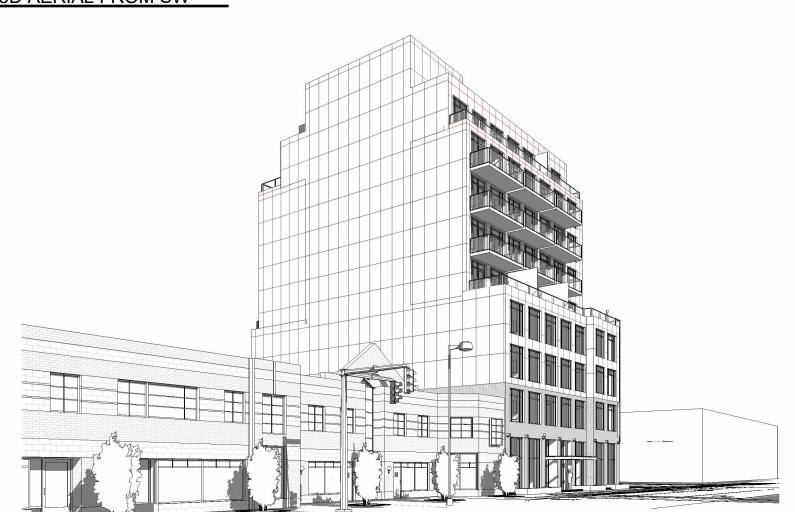
 3
 2022-04-27
 ZBL/SPA COORDINATION

 4
 2022-04-28
 ISSUED ZBL/SPA

2023-08-24 RE-ISSUED FOR MEDIATION 2023-11-21 ISSUED FOR SETTLEMENT

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PROJECT NAME / LOCATION:

PROPOSED MIXED-USE **DEVELOPMENT** 

975 DANFORTH AVE. TORONTO, ON M4J 1M1

**DEVELOPER:** PERCY ELLIS 494 EASTERN AVENUE TORONTO, ON M4M 1C5

416.466.6473 WWW.PERCYELLIS.COM INFO@PERCYELLIS.COM

**ARCHITECT:** architecture+design PARADIGM ARCHITECTURE AND DESIGN INC. 2198GERRARD STREET EAST TORONTO, ON M4E 2C7

416.686.3624 CONTACT@PARADIGM-AD.COM WWW.PARADIGM-AD.COM

**LANDSCAPE ARCHITECT:** 

**CIVIL ENGINEER: TRANSPORTATION ENGINEER:** 

**GEOTHERMAL ENGINEER:** 

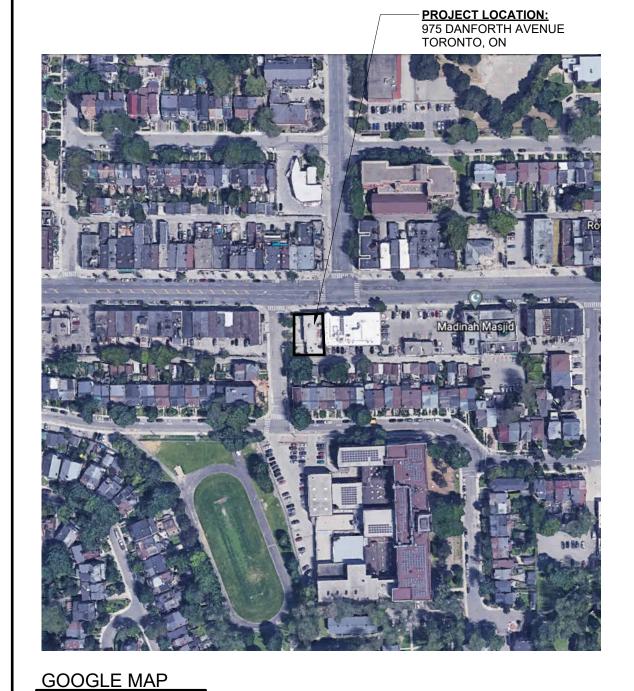
**STRUCTURAL ENGINEER:** 

**MECHANICAL ENGINEER:** 

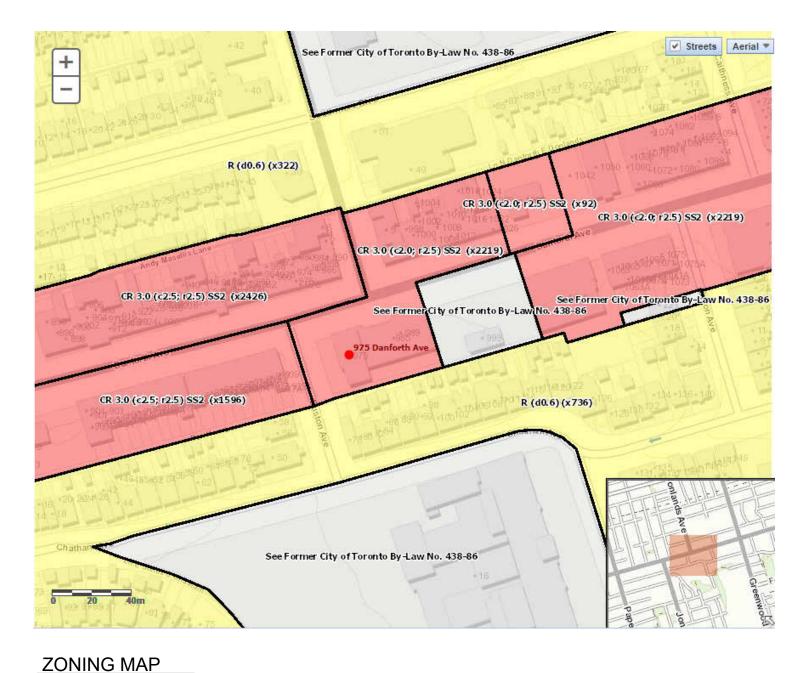
**ELECTRICAL ENGINEER:** 

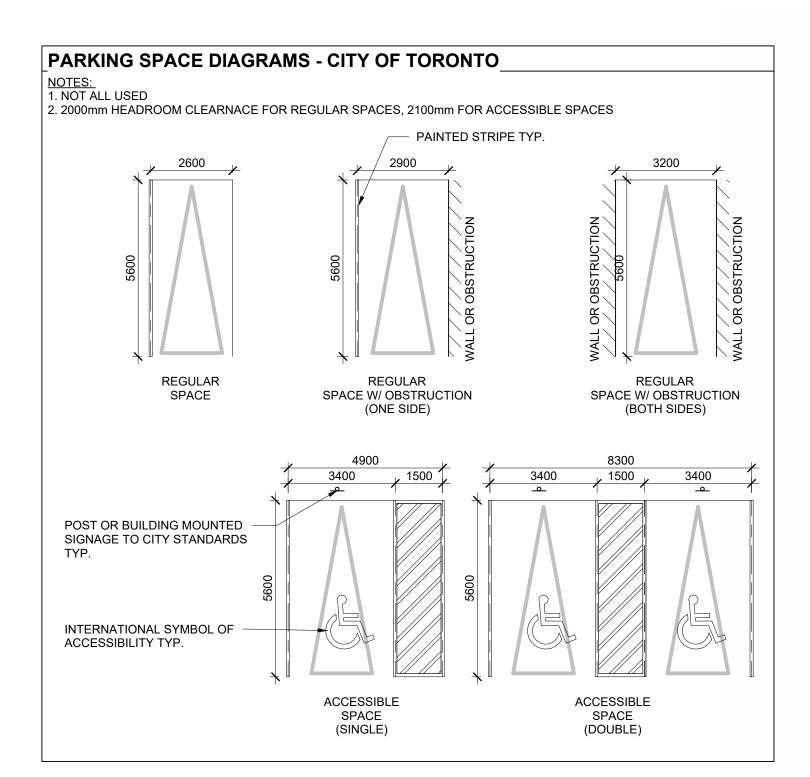
COVER

11/21/23 A001

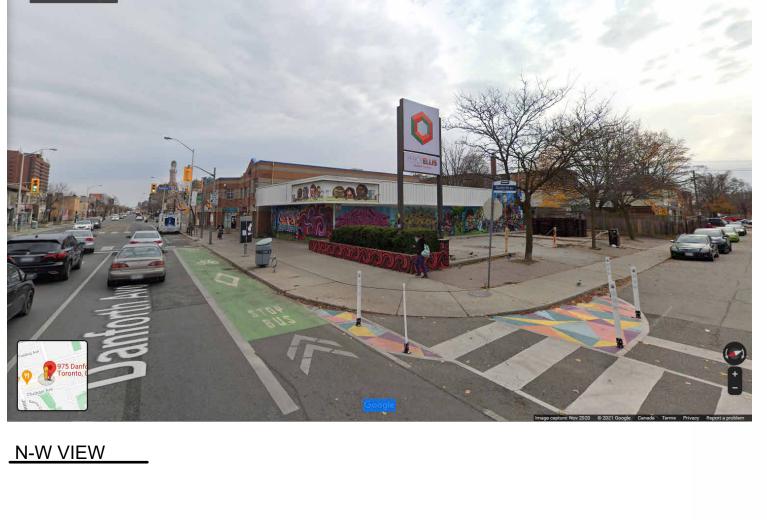


FIELDING AVENUE















Municipal Address:	975 DANFORTH AVENUE, TORONTO, ON, M4J 1M1
<b>Zoning Designation:</b>	CR 3.0 (c2.5; r2.5) SS2 (x2426) [POLICY AREA: 3]
Lot Frontage:	21.35 m
Lot Depth:	28.32 m

597.98 m<sup>2</sup>

Setbacks:

Octbacks.		
	Required	Proposed
Front:	3.0m (Max.)	0.40 m
Rear:	7.5 m	7.50 m
Side 1:	0.0 m	0.10 m
Side 2:	0.0 m	0.10 m
Building Area:		538.03 m²
Building Height:		29.20 m
Lot Coverage:		89.97 <b>%</b>

Lot Area:

oss Floor Areas:		
oss Floor Aleas.	Residential	Non-Residential
	Residential	Non-Residential
Basement Level 2:	$0.00 \text{ m}^2$	0.00 m <sup>2</sup>
Basement Level 1:	219.98 m <sup>2</sup>	195.26 m²
Ground Floor:	209.41 m <sup>2</sup>	254.41 m <sup>2</sup>
2nd Floor:	504.40 m <sup>2</sup>	0.00 m <sup>2</sup>
3rd Floor:	507.67 m <sup>2</sup>	0.00 m <sup>2</sup>
4th Floor:	507.66 m <sup>2</sup>	0.00 m²
5th Floor:	394.51 m <sup>2</sup>	0.00 m <sup>2</sup>
6th Floor:	394.66 m <sup>2</sup>	0.00 m <sup>2</sup>
7th Floor:	394.53 m <sup>2</sup>	0.00 m <sup>2</sup>
8th Floor:	394.57 m <sup>2</sup>	0.00 m <sup>2</sup>
9th floor:	305.25 m <sup>2</sup>	0.00 m <sup>2</sup>
Mechanical Penthouse:	14.88 m²	0.00 m²
Total:	3,847.53 m²	449.67 m²

Floor Space Index:

Residential:	6.4
Non-Residential:	0.7
Total:	7.1

Grand Total: 4,297.20 m<sup>2</sup>

Landscaping:			
	Required	Proposed	
Landscape Open Space:		61.18 m <sup>2</sup>	
Soft Landscaping:		8.8 m <sup>2</sup>	14.4%
Hard Landscaping:		52.38 m <sup>2</sup>	85.6%

**Residential Unit Count:** 

Offic Oddiff.	
Bachelor:	15
1 Bedroom:	13
2 Bedroom:	19
3 Bedroom:	4

Total:	51		
Parking Space Requirment:	Required	Provided	
Residential: Non-Residential:		7 0	(6 Resident, 1 Visitor)
LEV/EVSE Spaces		7	(6 Resident, 1 Visitor)
Loading Space Requirement: Required:	1	0	
Short-term Bicyicle Parking Space Requirment:	Required	Provided	
Residential: Non-Residential:	6 4	10 8	
Long-term Bicyicle Parking Space Requirment:			
Residential: Non-Residential:	51 0	54 0	
Indoor Amenity Space: Min. Required: Proposed:	102.00 m² 107.95 m²	[2m² PER DWELL	LING UNIT]

Outdoor Amenity Space: 102.00 m<sup>2</sup> Min. Required: Proposed: Outdoor terrace 129.25 m<sup>2</sup> Total: 129.25 m²

**Total Amenity Space:** 204.00 m<sup>2</sup> [4m<sup>2</sup> PER DWELLING UNIT] Min. Required: 237.20 m<sup>2</sup> 4.650980392 SM / Unit Proposed:

 
 NO.
 DATE
 DESCRIPTION

 2021-07-15
 PAC MEETING

 2
 2022-04-26
 ZBL/SPA COORDINATION
 3 2022-04-27 ZBL/SPA COORDINATION 4 2023-08-24 RE-ISSUED FOR MEDIATION 5 2023-11-21 ISSUED FOR SETTLEMENT DESCRIPTION REVISION CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING ALL DIMENSIONS. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT PRIOR TO PROCEEDING WITH THE WORK, DRAWINGS ARE NOT TO BE SCALED.

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NOTIFY ARCHITECT OF ANY DISCREPANCIES AND WAIT FOR INSTRUCTION PRIOR TO PROCEEDING WITH WORK.

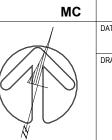
2198 Gerrard St E Toronto ON M4E 2C7 416.686.3624 www.paradigm-ad.com

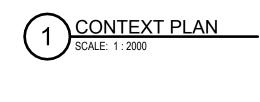
PROJECT NAME / LOCATION: PROPOSED MIXED-USE

975 DANFORTH AVE. TORONTO, ON M4J 1M1

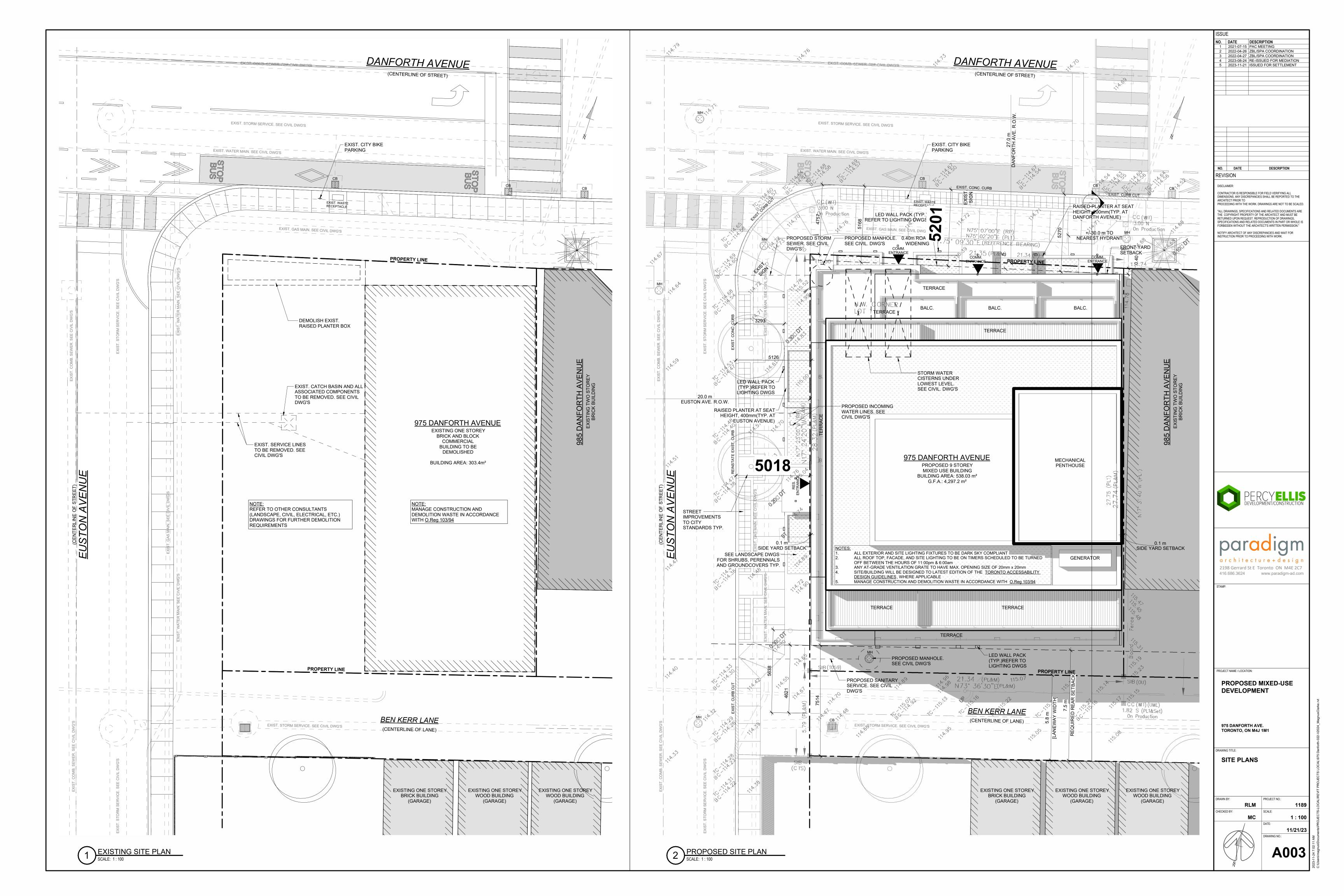
DEVELOPMENT

SITE STATISTICS AND **CONTEXT MAPS** 





As indicated 11/21/23



# Statistics Template - Toronto Green Standard Version 3.0 Mid to High Rise Residential and all New Non-Residential Development

Water Efficiency

The Toronto Green Standard Version 3.0 Statistics Template is submitted with Site Plan Control Applications and stand alone Zoning Bylaw Amendment applications. Complete the table and copy it directly onto the Site Plan submitted as part of the application.

For Zoning Bylaw Amendment applications: complete General Project Description and Section 1.

For Site Plan Control applications: complete General Project Description, Section 1 and Section 2.

For further information, please visit www.toronto.ca/greendevelopment

General Project Description	Proposed
Total Gross Floor Area (m²)	4,297.2
Breakdown of project components (m²)	
Residential	3,847.53
Retail	
Commercial	449.67
Industrial	
Institutional/Other	
Total number of residential units	50

### Section 1: For Stand Alone Zoning Bylaw Amendment Applications and Site Plan Control Applications

Automobile Infrastructure	Required	Proposed	Proposed %
Number of Parking Spaces		7	
Number of parking spaces dedicated for priority LEV parking		1	

Number of parking spaces with EVSE		7	
Cycling Infrastructure	Required	Proposed	Proposed %
Number of long-term bicycle parking spaces (residential)	50	54	108
Number of long-term bicycle parking spaces (all other uses)	N/A	N/A	N/A
Number of long-term bicycle parking (all uses) located on:			
a) first storey of building	N/A	N/A	N/A
b) second storey of building	N/A	N/A	N/A
c) first level below-ground	N/A	N/A	N/A
d) second level below-ground	50	54	N/A
e) other levels below-ground	N/A	N/A	N/A

Cycling Infrastructure	Required	Proposed	Proposed %
Number of short-term bicycle parking spaces (residential)	6	18	300
Number of short-term bicycle parking spaces (all other uses)	N/A	N/A	N/A
Number of male shower and change facilities (non-residential)	N/A	N/A	N/A
Number of female shower and change facilities (non-residential)	N/A	N/A	N/A
Tree Planting & Soil Volume	Required	Proposed	Proposed %

Tree Planting & Soil Volume	Required	Proposed	Proposed %
Total Soil Volume (40% of the site area ÷ 66 m²x 30 m³)	213.0	213.0	100

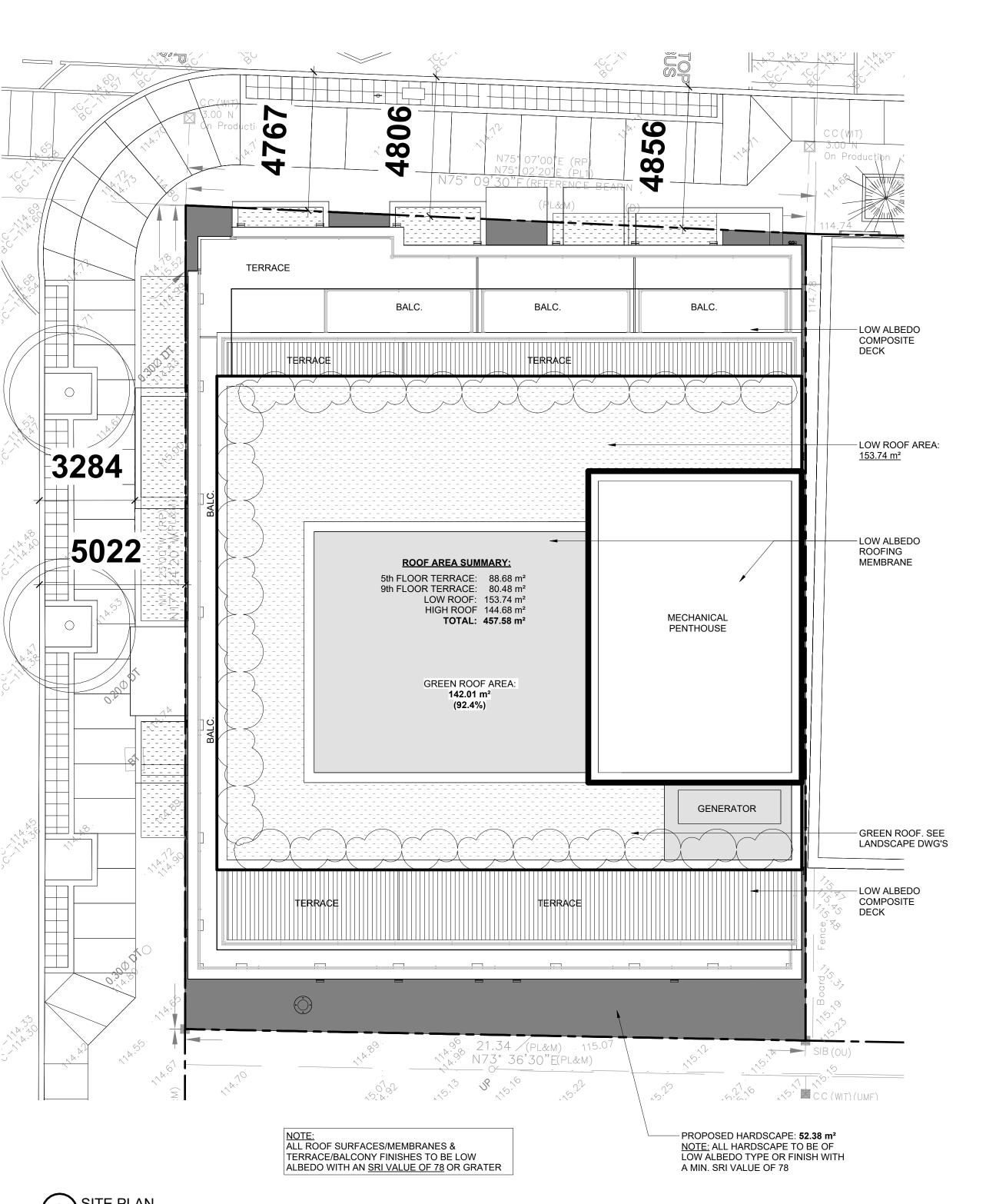
#### Section 2: For Site Plan Control Applications

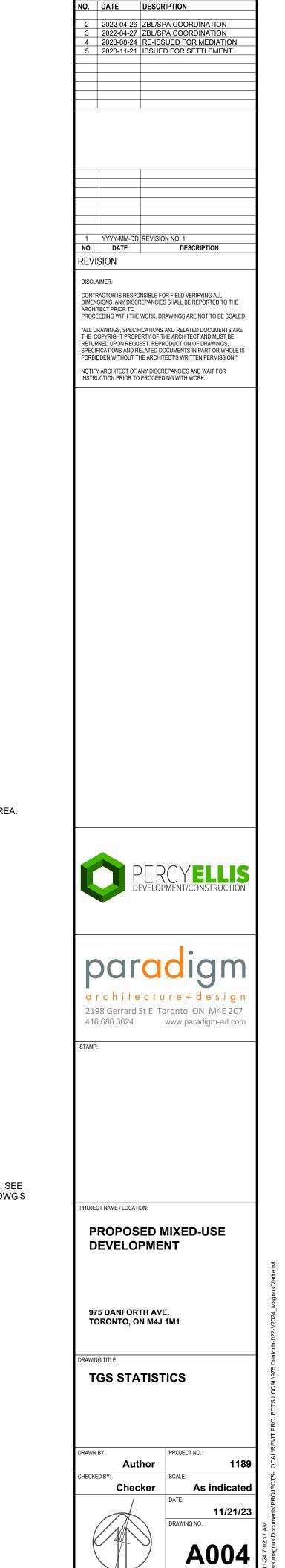
Cycling Infrastructure	Required	Proposed	Proposed %
Number of short-term bicycle parking spaces (all uses) at-grade or on first level below grade	12.7	18	141%
UHI Non-roof Hardscape	Required	Proposed	Proposed %
Total non-roof hardscape area (m²)		57.3	
Total non-roof hardscape area treated for Urban Heat Island (minimum 50%) (m²)	28.65	57.3	200
Area of non-roof hardscape treated with: (indicate m²)			
a) high-albedo surface material		57.3	
b) open-grid pavement			
c) shade from tree canopy			
d) shade from high-albedo structures			
e) shade from energy generation structures			
Percentage of required car parking spaces under cover (minimum 75%)(non-residential only)			
Green & Cool Roofs	Required	Proposed	Proposed %
Available Roof Space (m²)		153.74	
Available Roof Space provided as Green Roof (m²)		142.01	92.4
Available Roof Space provided as Cool Roof (m²)		11.73	7.6
Available Roof Space provided as Solar Panels (m²)		0	0

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Total landscaped site area (m²)		61.18	
Landscaped site area planted with drought-tolerant plants (minimum 50%) (m²and %) (if applicable)		N/A	
Tree Planting Areas & Soil Volume	Required	Proposed	Proposed %
Total site area (m²)		598	·
Total Soil Volume (40% of the site area ÷ 66 m²x 30 m³)	108.72	110.4	101.50
Total number of planting areas (minimum of 30m³ soil)		2	
Total number of trees planted	3.62	3	100
Number of surface parking spaces (if applicable)		N/A	
Number of shade trees located in surface parking area interior (minimum 1 tree for 5 parking spaces)		N/A	
Native and Pollinator Supportive Species	Required	Proposed	Proposed %
Total number of plants		87	
Total number of native plants and % of total plants (min.50%)	44	45	51
Bird Friendly Glazing	Required	Proposed	Proposed %
Total area of glazing of all elevations within 16m above grade (including glass balcony railings)		489.54	
Total area of treated glazing (minimum 85% of total area of glazing within 16m above grade) (m²)	421.15	489.54	116.2
Percentage of glazing within 12m above grade treated with:			
a) Low reflectance opaque materials			
b) Visual markers	421.15	489.54	116.2
c) Shading			
	-		•

Proposed

Required







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