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File No. 704361

September 26, 2023

By E-Mail Only to *jessica.braun@toronto.ca*

Jessica Braun
City of Toronto, Legal Services Division
26th Floor, Metro Hall
55 John Street
Toronto, Ontario M5V 3C6

Dear Ms. Braun:

**Re: Without Prejudice Settlement Offer
Appeals of Official Plan Amendment, Zoning By-law Amendment and Site
Plan Control Applications (the “Applications”)
25 Old York Mills Road, Toronto (the “Subject Property”)
O.L.T. Lead Case No. OLT-23-000018**

We are counsel to Agricola Finnish Lutheran Church (the “**Church**”), the owner of the Subject Property and the appellant in the above-noted Ontario Land Tribunal (the “**Tribunal**”) proceeding. The Subject Property is located approximately 50 m south of York Mills Road and 100 m east of the York Mills Station subway entrance. The Subject Property currently contains a 2-storey church.

Background

On July 19, 2022, the Church submitted the Applications to permit a 12-storey mixed use building on the Subject Property, which proposed to include residential units, church and multifunction space, daycare space and community space. The Applications were deemed complete as of August 25, 2022 and on January 4, 2023, the Church appealed the Applications to the Tribunal for the City of Toronto’s (the “**City**”) failure to make a decision within the statutory timeframes (the “**Appeals**”).

The Tribunal held the first case management conference (“**CMC**”) on April 14, 2023. At the CMC, among other things, the Tribunal consolidated the Appeals, granted Party Status to the York Mills Valley Association (“**YMVA**”) and the Toronto Region Conservation Authority (“**TRCA**”) and scheduled a second CMC for June 27, 2023.

At the second CMC, the Tribunal granted Party Status to the Townhomes of Hogg’s Hollow Community Association (“**THHCA**”) and scheduled a 10-day hearing commencing on November 15, 2023 (the “**Hearing**”). In the decision arising from the second CMC, the

Tribunal issued the Procedural Order which included the Parties' Issues Lists. In accordance with the Procedural Order, witness lists were exchanged on August 8, 2023 and the experts' meetings have now occurred.

As a result of informal meetings with the TRCA and experts' meetings with the other Parties to the Hearing, the Parties engaged in without prejudice discussions in an attempt to resolve or narrow the issues that would be determined at the Hearing. In particular, the Church initially revised its plans to obtain a settlement in principle with the TRCA and provided the TRCA with an updated memorandum addressing written comments from the TRCA dated October 12, 2022. The settlement in principle was based primarily on the TRCA's request to increase the western setback from the proposed development to the lands to be conveyed to the TRCA from 1.5 m to 3.0 m. The Church implemented this request and, once the TRCA agreed in principle to this revision, the Church circulated a set of revised plans reflecting this change to the City on August 18, 2023 and to the YMVA and the THHCA on August 22, 2023.

The Church then engaged in further experts' meetings with the City, the YMVA and the THHCA in an effort to address their concerns. After productive discussions, the Church revised its plans further as a result of the City's requests and is writing on a without prejudice basis to present the revised plans dated September 18, 2020 (the "**Revised Plans**") to the City as a settlement offer (the "**Offer**").

The Offer

In exchange for the City's support at the Hearing, the Church will request the Tribunal to approve the Revised Plans and implementing instruments. The revisions to the Revised Plans can be summarized as follows:

- The building height was reduced from the originally proposed 12 storeys (38.5 m excluding mechanical penthouse ("**MPH**")) to 11 storeys (35.7 m excluding MPH). The height of the first and second floors was also lowered.
- The residential unit count was increased from 98 units to 103 units where more residential units are now proposed to be family sized (i.e., two-bedroom and three-bedroom units).
- The elevations were revised as follows:
 - North elevation – the building façade now steps back by 3 m on the 5th and 10th floors. The MPH level features a 2 m setback from the top floor.
 - South elevation – levels 5 and 10 step back by 3.7 m and 6 m respectively. The MPH level has a 5.5 m setback, which is utilized as part of the outdoor amenity space.

- East elevation – the east façade steps back by 1 m starting from the 5th floor.
- The balconies on the Level 3 and 4 north facing units were inset.
- The indoor amenity space now provides access to the outdoor amenity space on Level 10 and the mechanical penthouse.
- The amount of outdoor amenity space was increased and now exceeds what is required by the City’s By-law.
- It was clarified on the Revised Plans, including the statistics page, that no commercial uses are being proposed. The original plans labeled certain spaces as “commercial community space”, which have now been correctly relabeled as “assembly space”. The assembly space is accessory to the place of worship function and land use and are not an independent commercial use/space. As a result, no Type “B” loading space is required.
- Two (2) underground on-site pick-up/drop-off (“**PUDO**”) spaces were added at the P1 level, which will be designated short-term (i.e., 10 minutes maximum) and will be the spaces closest to the entrance of the underground garage. These PUDO spaces will facilitate various site related activities such as childcare PUDO, food delivery and taxi services. An updated transportation memorandum, including an AutoTURN analysis was prepared by the Church’s transportation engineer which supports these PUDO spaces and has been provided to the City. Additionally, the Church has committed to providing a Parking Utilization Study prior to issuance of the Tribunal’s final order, which will address the sufficiency of the number of PUDO spaces.
- The site access on Campbell Crescent was redesigned in a more favourable configuration and angle to increase safety when entering and exiting the Subject Property. The proposed site access angle is now in accordance with the Transportation Association of Canada Guidelines for Canadian Roads. The Church has also committed to designing a mountable curb to further increase the functionality of the driveway access for City garbage trucks.
- The Church will still provide approximately 82 parking spaces. However, it increased the amount of accessible parking spaces provided from 3 to 4.
- The bicycle parking spaces (8 short term and 84 long term) are now shown on the Revised Plans.

- The western setback of 3 m from the proposed development to the lands to be conveyed to the TRCA is maintained.

In addition, the Church has committed to revising the draft Official Plan Amendment to amend the Subject Property designation from Neighbourhoods to Apartment Neighbourhoods, whereas it currently proposes to amend the Official Plan designation to Mixed Use Areas.

As part of the Offer, the Church agrees that the final order of the Tribunal would be withheld, pending completion of the following:

- The Church has provided the City with a Parking Utilization Study to the satisfaction of the General Manager, Transportation Services.
- The Church has provided the City with updated Vehicle Maneuvering diagrams to demonstrate the functionality of the driveway access at Campbell Crescent to the satisfaction of the General Manager, Transportation Services.
- The Church has provided the City with a Transportation Demand Management (“TDM”) Plan to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services. The TDM Plan will outline the existing TDM opportunities as well as future opportunities to reduce traffic by approximately 25%, such as, but not necessarily all the following:
 - The promotion of transit use and carpooling;
 - The promotion of active transportation;
 - A bike share station with the capacity for eight (8) bikes; and
 - The provision of pre-loaded “PRESTO” transit cards to residents upon move-in.
- The Church has satisfactorily addressed the Engineering and Construction Services matters in the Engineering and Construction Services Memorandum dated September 14, 2022 or as may be updated through the review of the revised material submitted in response to such memorandum, all to the satisfaction of the Chief Engineer.
- If it is determined that the hydro pole at the southeast corner of the site is required to be moved to facilitate the driveway access on Campbell Crescent, the Church agrees to facilitate this process at its own reasonable cost and through negotiations with the necessary public authorities including Toronto Hydro.

- The final form and content of the Official Plan and Zoning By-law is to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.

The Church further acknowledges that, should it be determined that upgrades are required to the infrastructure to support the development according to the accepted Functional Servicing Report and/or the Transportation Impact Study, a Holding provision (H) may be included in the final form of the site-specific Zoning By-law Amendment, not to be lifted until such time as the owner has made satisfactory arrangements, including entering into appropriate agreement(s) with the City for the design and construction of any improvements to the municipal infrastructure and the provision of financial securities to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services.

Conclusion

In our opinion, the Offer represents good planning and the Revised Plans are appropriate for the Subject Property because:

- The Revised Plans maintain the 3 m setback to the TRCA floodplain area as requested by the TRCA. This setback will help achieve the goals of both the TRCA and Provincial policy in relation to protecting, conserving and restoring natural resources.
- Many residents of the area raised concerns that the proposal was too tall. The proposal as revised responds to these concerns by decreasing the height, but still ensuring that Provincial and City objectives are achieved by providing an increase in residential units in an area designated for growth.
- Residents raised concerns about the PUDO operations, the driveway access and that sufficient parking was not provided. In the revised proposal, no parking spaces are proposed to be removed and the Revised Plans provide additional space for the PUDO operations to occur. The driveway access angle was improved and the Church committed to providing a Parking Utilization Study to support the proposed parking rate, which we anticipate will demonstrate conformity with the City's recent direction to reduce parking in the City particularly in areas close to transit.

We recognize that there may be some additional minor adjustments to the Revised Plans as we continue our discussions with City staff; however, we believe that the Revised Plans appropriately demonstrate the design intention of the Offer and the Church is excited about the opportunity to transform an existing underutilized site into a project contributing new community spaces and housing choice to the residents of the community.

If accepted, the Church will work with the City to prepare suitable policy language to implement the revised proposal and to work out the detailed design through the site plan process. The site plan process would include a financial security for the signal modification cost for the proposed traffic signal timing optimization of the Yonge Street/York Mills Road/Wilson Avenue intersection. In the event that signal modifications are not implemented, then the security will be returned.

We would ask that you forward this letter and its enclosures to City staff and Council for their immediate review and direction at the Council meeting on October 11 to 13.

We look forward to hearing from the City and please do not hesitate to contact me should you require any further information or wish to discuss this Offer.

Yours truly,
DAVIES HOWE LLP



John M. Alati

JMA:GO
encl.: as above

copy: Lauren Pinder, City of Toronto, Legal Counsel
Michael Goldberg, Goldberg Group
Mansoor Kazerouni, Arcadis
Client

MUNICIPAL ADDRESS
25 Old York Mills Rd, Toronto

GFA (sm)	
GCA	10,617
GFA - Residential Use - (569-2013)	7,835
GFA - Residential Use - (438-1986)	7,757
GFA - Assembly Space	845
GFA - Childcare	401
GFA - Church + Multifunction	564
Total GFA - (569-2013)	9,644
Total GFA - (438-1986)	9,566

FSI			
	SITE AREA	FSI (569-2013)	FSI (438-1986)
Site Area	3,530	2.7	2.7
Site Area (excluding TRCA zone + setback)	2,209	4.4	4.3

Units		
Unit Type	Provided	Percentage
Studio	9	9%
One Bedroom	44	42.7%
Two Bedroom	38	36.9%
Three Bedroom	12	11.7%
Grand Total (including BF units)	103	

Barrier Free (BF) Units		
Unit Type	Provided	Required
Studio	1	2
One Bedroom	9	7
Two Bedroom	5	6
Three Bedroom	2	2
Total	17	15% of total units

Amenity Area (m ²)		
Indoor Amenity (2m ² /unit)	Provided	Required(2m ² /unit)
Level MPH	70.0	
Level 10	137.0	
Total	207	206

Outdoor Amenity (2m ² /unit)		
Level MPH	Provided	Required(2m ² /unit)
Level MPH	103.0	
Level 10	78.0	
Ground floor	55.0	
Total	236.0	206

Total Indoor + Outdoor		
	Provided	Required
	443	412

BICYCLE PARKING			
Long-Term	Provided	Required	Rate
Level 2	84		
Total	84	71	0.68 bike/unit
Short-Term	Provided	Required	
Ground Floor	8		
Ground Floor-Shared bikes	8		
Total	16	8	0.07 bike/unit

VEHICLE PARKING			
Required Spaces = 68			
Provided	Regular	BF	Rate provided
P1 (Vistor/ChildCare/Church)	27	4	
P2 (Residential)	51	0	
Sub-Total Provided	78	4	
Total Provided	82		0.80 cars/unit
EVSE Parking Required*		16	
EVSE Parking Provided		16	

**Note: EVSE 20% calculated for below-grade parking only*

BUILDING HEIGHT (m)	
	Proposed
Number of Storeys	11
Building Height (excluding MPH)	35.70
Building Height (Including MPH)	41.70

**Note: Building height measured from Established Grade:*

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No.	DESCRIPTION	DATE
1	ISSUED FOR SPA	2022-05-18
2	ISSUED FOR OLT SETTLEMENT	2023-07-27
3	ISSUED FOR OLT	2023-09-18

REVISIONS

No.	DESCRIPTION	DATE
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PROJECT

25 OLD YORK MILLS

PROJECT NO: 125319

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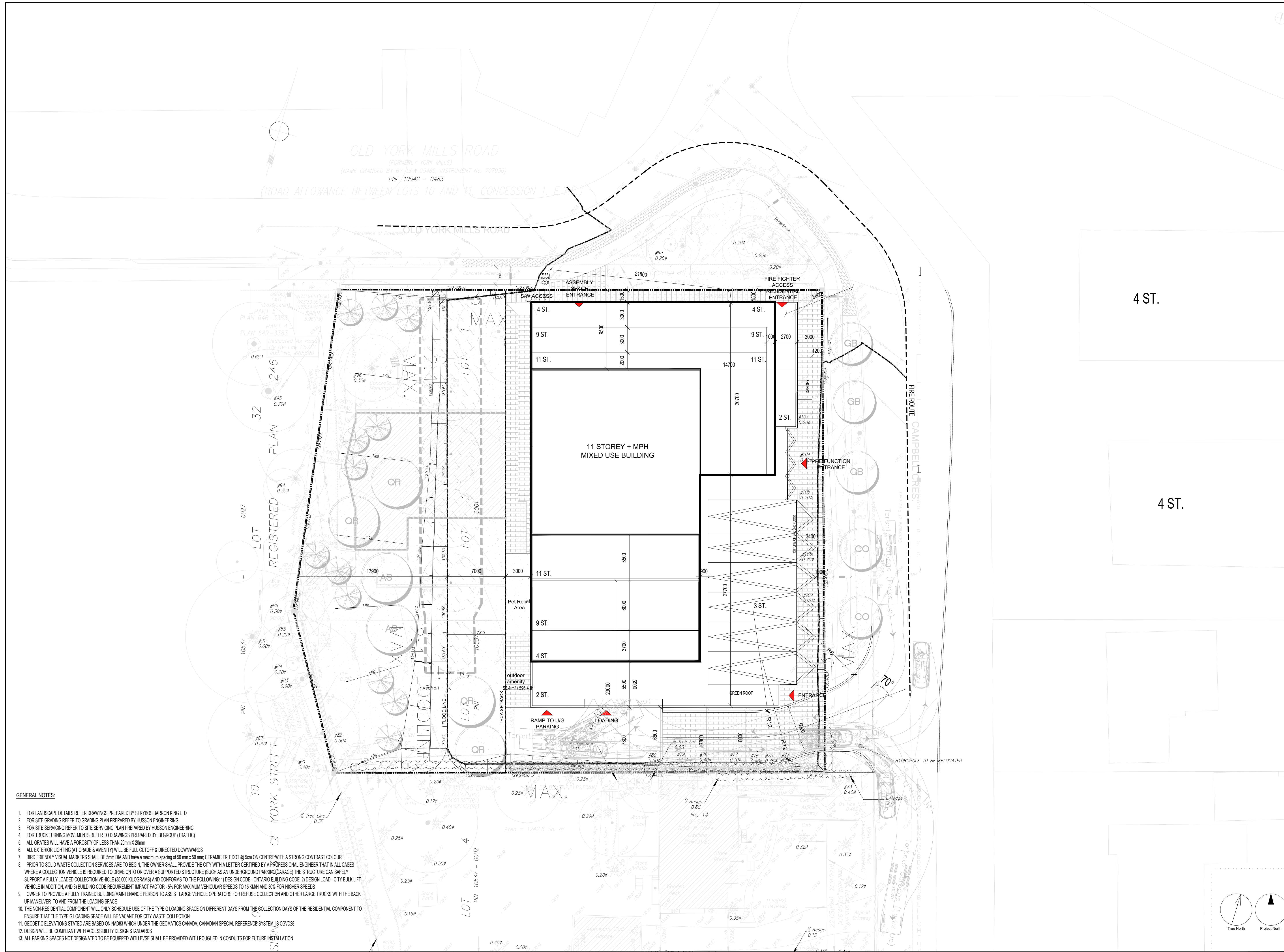
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Building Statistics

DATE
02 JUNE
2022

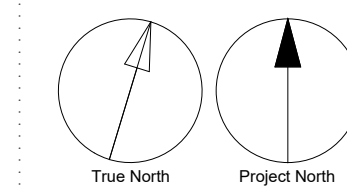
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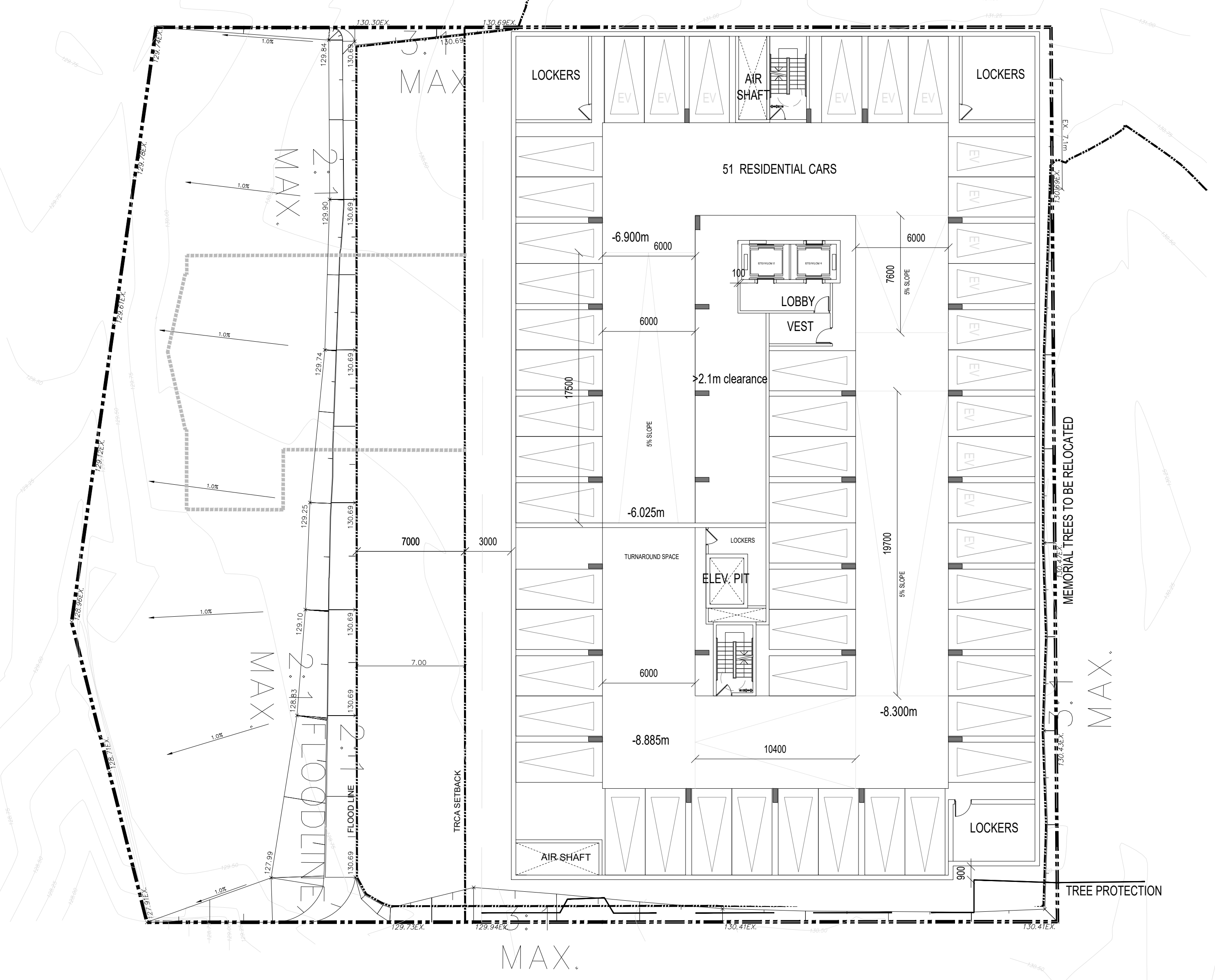


- GENERAL NOTES:**
- FOR LANDSCAPE DETAILS REFER DRAWINGS PREPARED BY STRYBOS BARRON KING LTD
 - FOR SITE GRADING REFER TO GRADING PLAN PREPARED BY HUSSON ENGINEERING
 - FOR SITE SERVICING REFER TO SITE SERVICING PLAN PREPARED BY HUSSON ENGINEERING
 - FOR TRUCK TURNING MOVEMENTS REFER TO DRAWINGS PREPARED BY BI GROUP (TRAFFIC)
 - ALL GRATES WILL HAVE A POROSITY OF LESS THAN 20mm X 20mm
 - ALL EXTERIOR LIGHTING (AT GRADE & AMENITY) WILL BE FULL CUTOFF & DIRECTED DOWNWARDS
 - BIRD FRIENDLY VISUAL MARKERS SHALL BE 5mm DIA AND HAVE A MAXIMUM SPACING OF 50 mm X 50 mm; CERAMIC FRIT DOT @ 5cm ON CENTRE WITH A STRONG CONTRAST COLOUR
 - PRIOR TO SOLID WASTE COLLECTION SERVICES ARE TO BEGIN, THE OWNER SHALL PROVIDE THE CITY WITH A LETTER CERTIFIED BY A PROFESSIONAL ENGINEER THAT IN ALL CASES WHERE A COLLECTION VEHICLE IS REQUIRED TO DRIVE ONTO OR OVER A SUPPORTED STRUCTURE (SUCH AS AN UNDERGROUND PARKING GARAGE) THE STRUCTURE CAN SAFELY SUPPORT A FULLY LOADED COLLECTION VEHICLE (35,000 KILOGRAMS) AND CONFORMS TO THE FOLLOWING: 1) DESIGN CODE - ONTARIO BUILDING CODE; 2) DESIGN LOAD - CITY BULK LIFT VEHICLE IN ADDITION; AND 3) BUILDING CODE REQUIREMENT IMPACT FACTOR - 5% FOR MAXIMUM VEHICULAR SPEEDS TO 15 KM/H AND 30% FOR HIGHER SPEEDS
 - OWNER TO PROVIDE A FULLY TRAINED BUILDING MAINTENANCE PERSON TO ASSIST LARGE VEHICLE OPERATORS FOR REFUSE COLLECTION AND OTHER LARGE TRUCKS WITH THE BACK UP MANEUVER TO AND FROM THE LOADING SPACE
 - THE NON-RESIDENTIAL COMPONENT WILL ONLY SCHEDULE USE OF THE TYPE G LOADING SPACE ON DIFFERENT DAYS FROM THE COLLECTION DAYS OF THE RESIDENTIAL COMPONENT TO ENSURE THAT THE TYPE G LOADING SPACE WILL BE VACANT FOR CITY WASTE COLLECTION
 - GEODETIC ELEVATIONS STATED ARE BASED ON NAD83 WHICH UNDER THE GEOMATICS CANADA, CANADIAN SPECIAL REFERENCE SYSTEM IS CGVD08
 - DESIGN WILL BE COMPLIANT WITH ACCESSIBILITY DESIGN STANDARDS
 - ALL PARKING SPACES NOT DESIGNATED TO BE EQUIPPED WITH EVSE SHALL BE PROVIDED WITH ROUGHED IN CONDUITS FOR FUTURE INSTALLATION

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SHEET NUMBER A100		DATE 02 JUNE 2022
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1" = 10m



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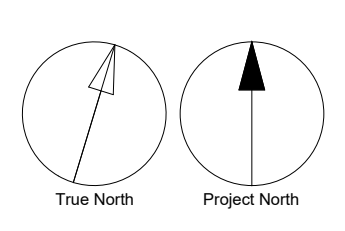
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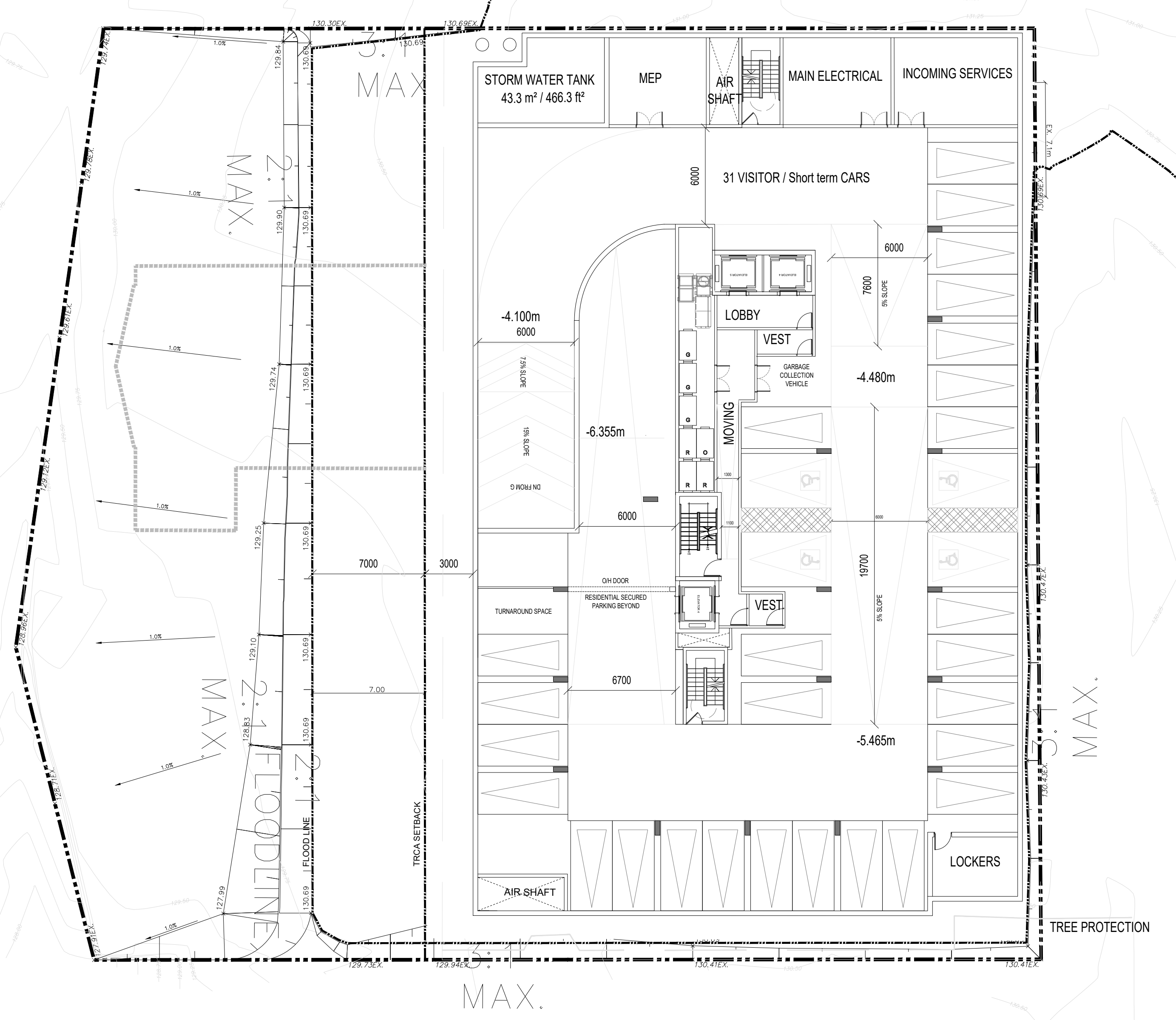
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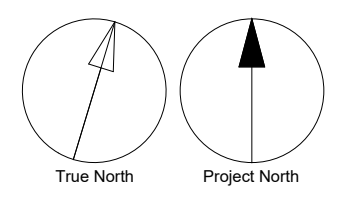
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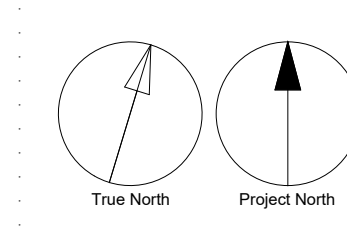
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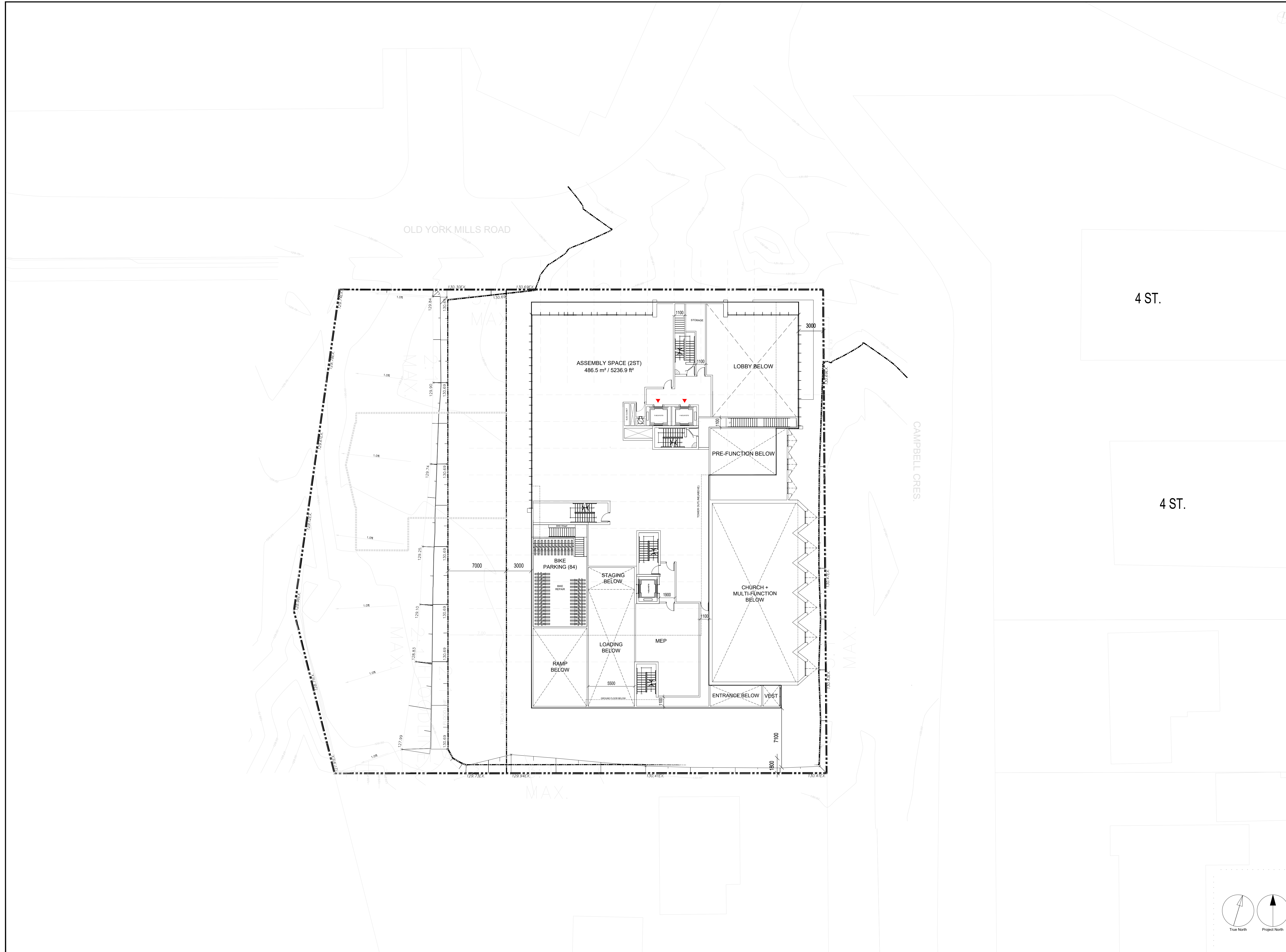
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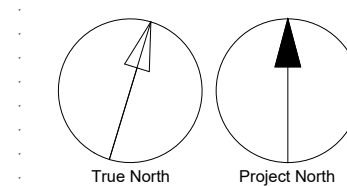
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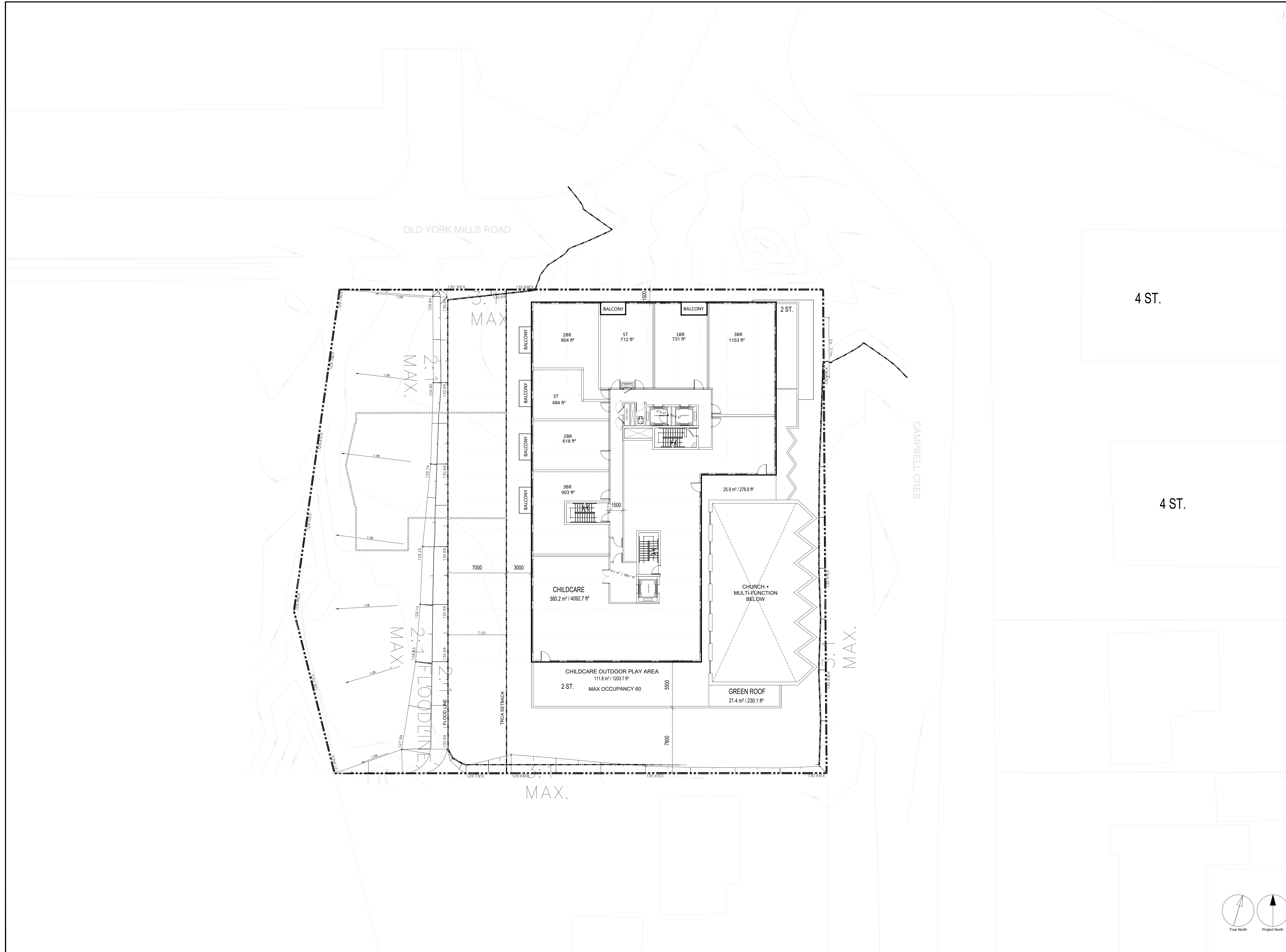
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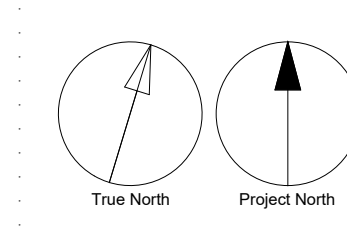
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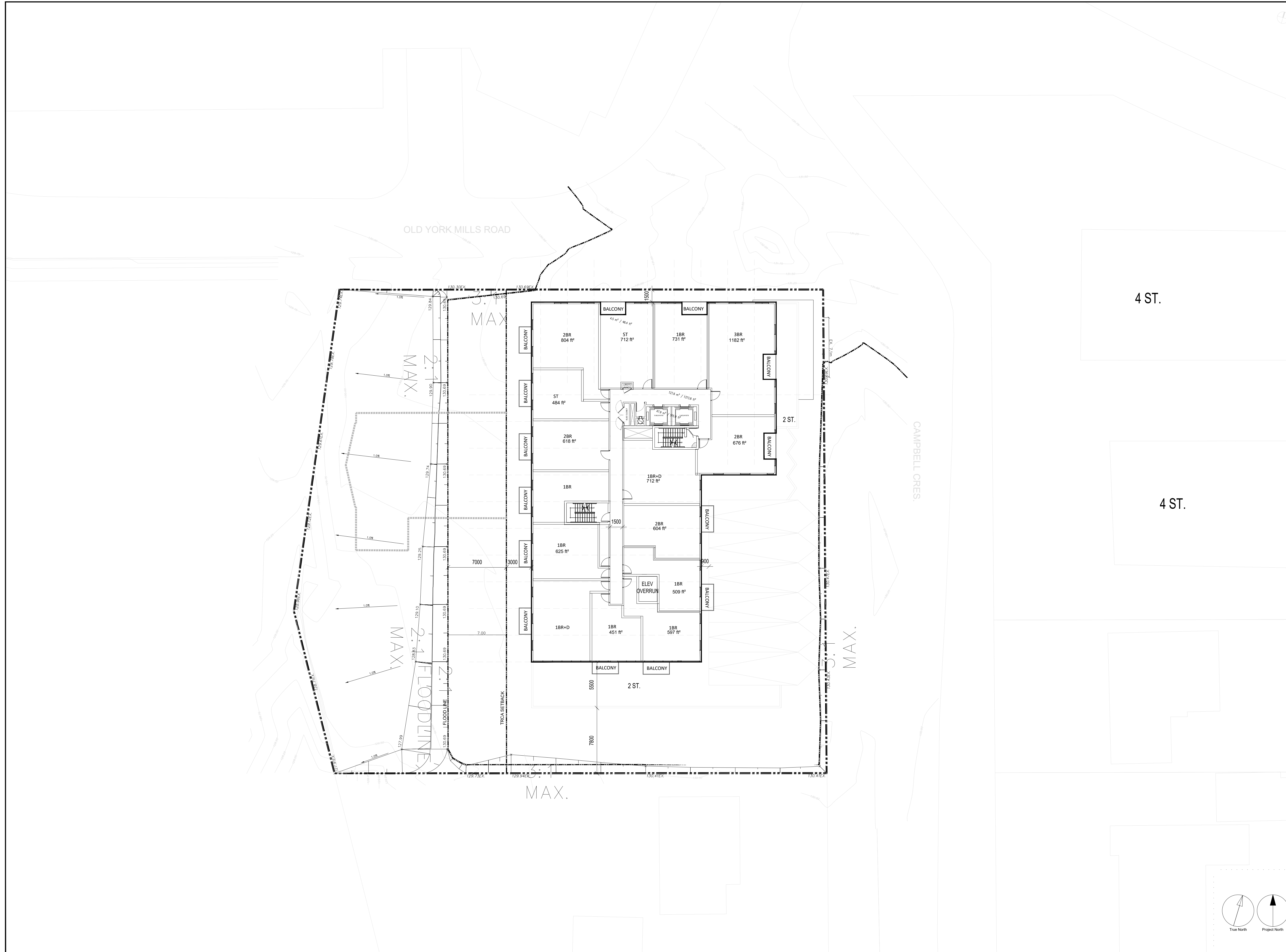
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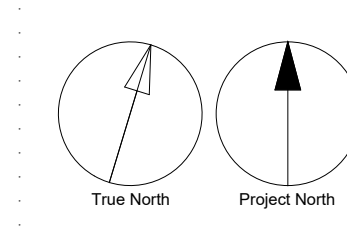
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ISSUES		
No.	DESCRIPTION	DATE
1	ISSUED FOR SPA	2022 - 05 - 18
2	ISSUED FOR OLT SETTLEMENT	2023 - 07 - 27
3	ISSUED FOR OLT	2023 - 09 - 18
REVISIONS		
No.	DESCRIPTION	DATE
CONSULTANTS		
SEAL		
PRIME CONSULTANT ARCADIS 55 St. Clair Avenue West, Toronto, ON M4V 2Y7, Canada tel 416 598 1930 www.arcadis.com		
PROJECT 25 OLD YORK MILLS		
PROJECT NO: 125319		
DRAWN BY:	CHECKED BY:	
PROJECT MGR:	APPROVED BY:	
SHEET TITLE LEVEL 3	SCALE	
SHEET NUMBER A202	DATE 02 JUNE 2022	ISSUE



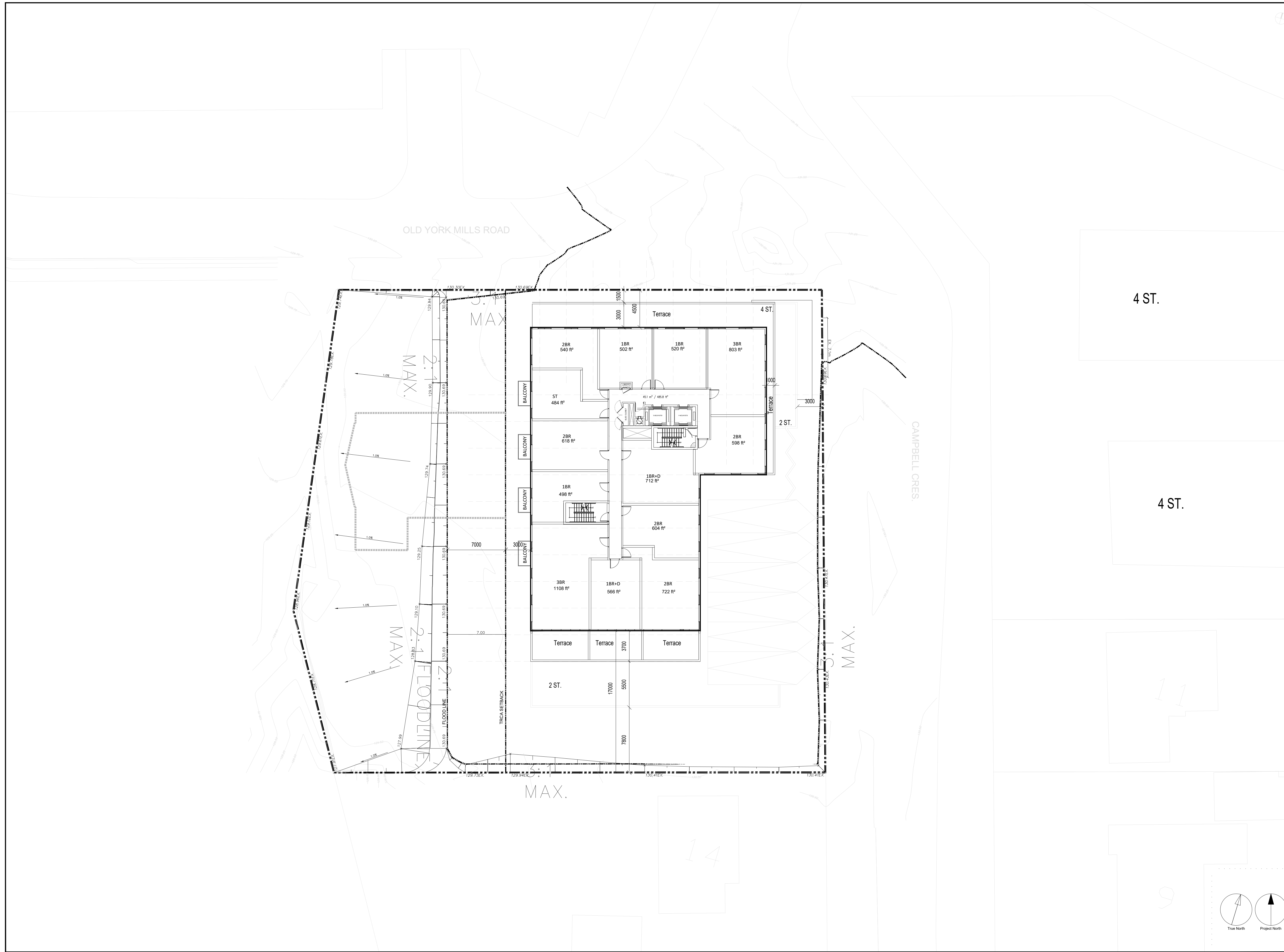
SCALE CHECK
1" = 10mm



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<p>PROJECT</p> <p>25 OLD YORK MILLS</p>														
PROJECT NO: 125319														
DRAWN BY:	CHECKED BY:													
PROJECT MGR:	APPROVED BY:													
SHEET TITLE		SCALE												
LEVEL 4		DATE												
SHEET NUMBER		ISSUE												
A203		02 JUNE 2022												



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3	ISSUED FOR OLT	2023 - 09 - 18

REVISIONS

No.	DESCRIPTION	DATE

CONSULTANTS

SEAL

PRIME CONSULTANT



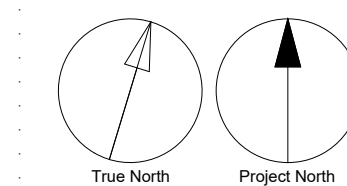
55 St. Clair Avenue West,
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 tel 416 598 1930
 www.arcadis.com

PROJECT
 25 OLD YORK MILLS

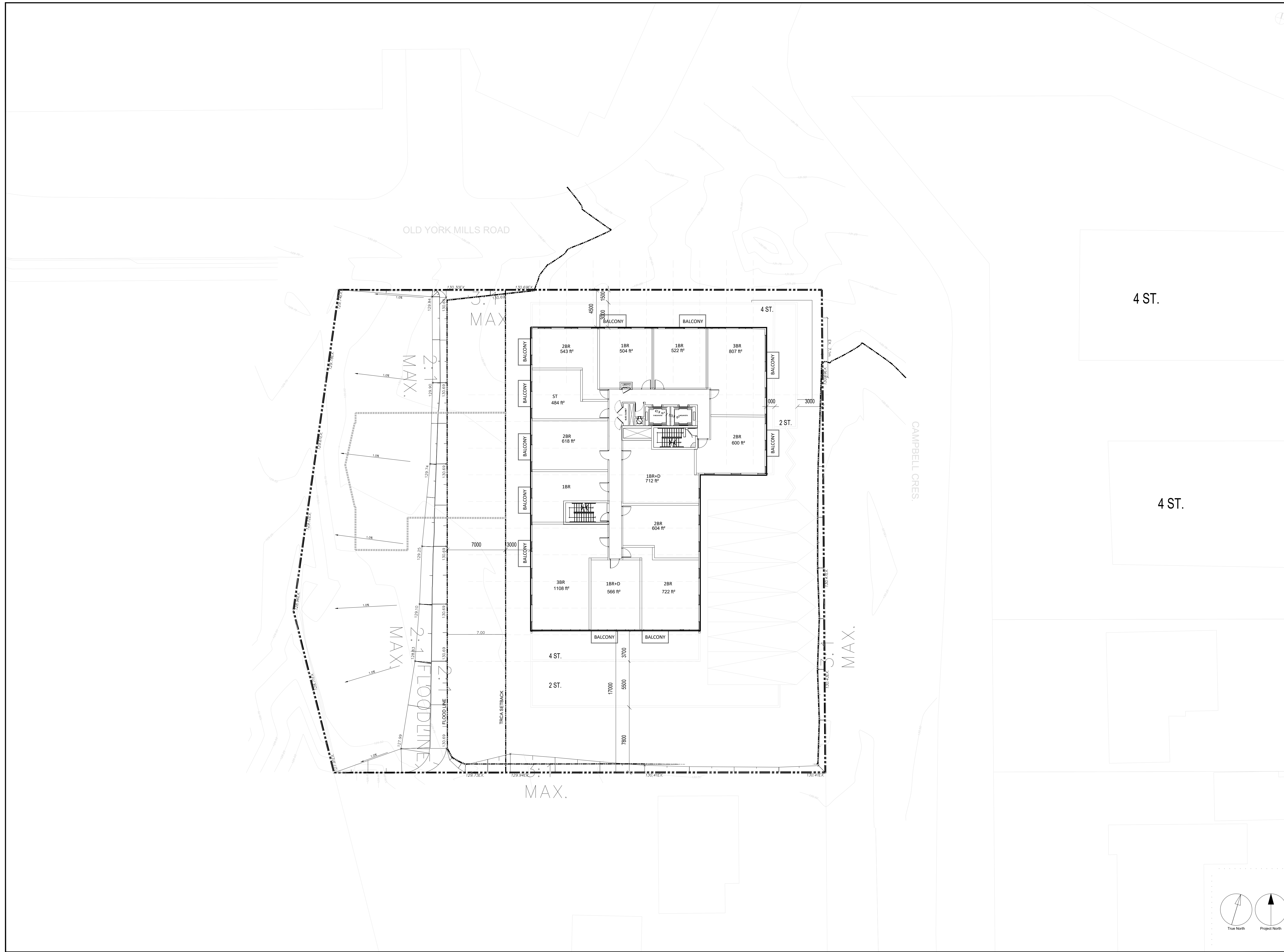
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PROJECT MGR:	APPROVED BY:

SHEET TITLE LEVEL 5	SCALE
	DATE 02 JUNE 2022
SHEET NUMBER A204	ISSUE



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REVISIONS

No.	DESCRIPTION	DATE

CONSULTANTS

SEAL

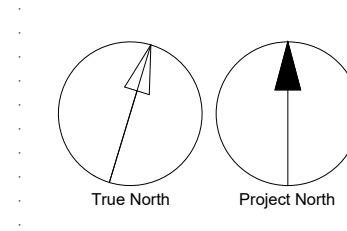
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 tel 416 596 1930
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PROJECT
25 OLD YORK MILLS

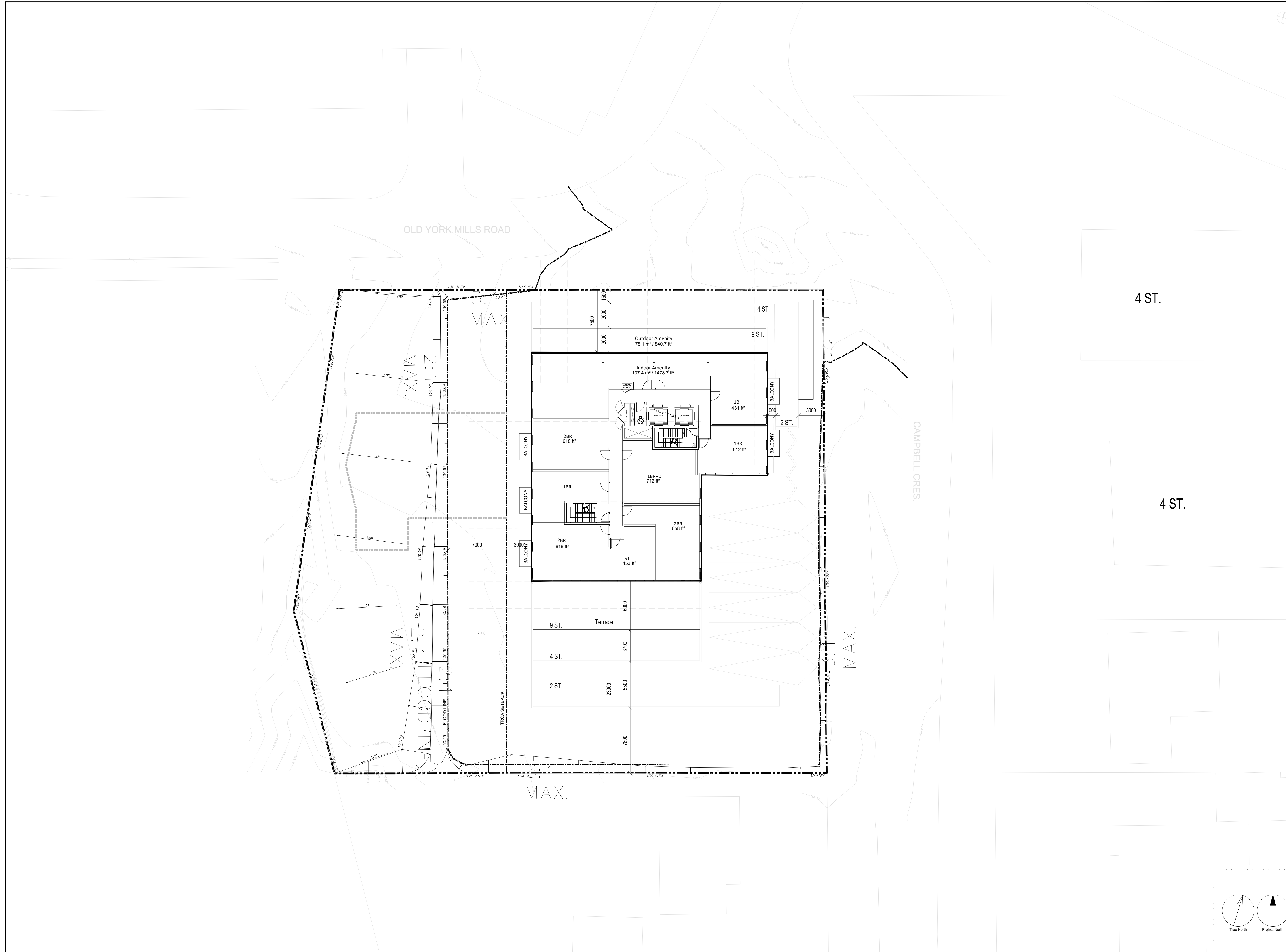
PROJECT NO: 125319

DRAWN BY:	CHECKED BY:
PROJECT MGR:	APPROVED BY:

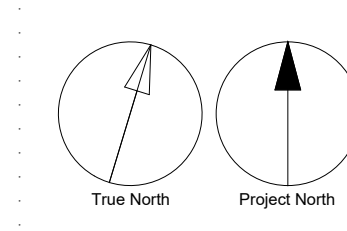
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	DATE 02 JUNE 2022
SHEET NUMBER A205	ISSUE



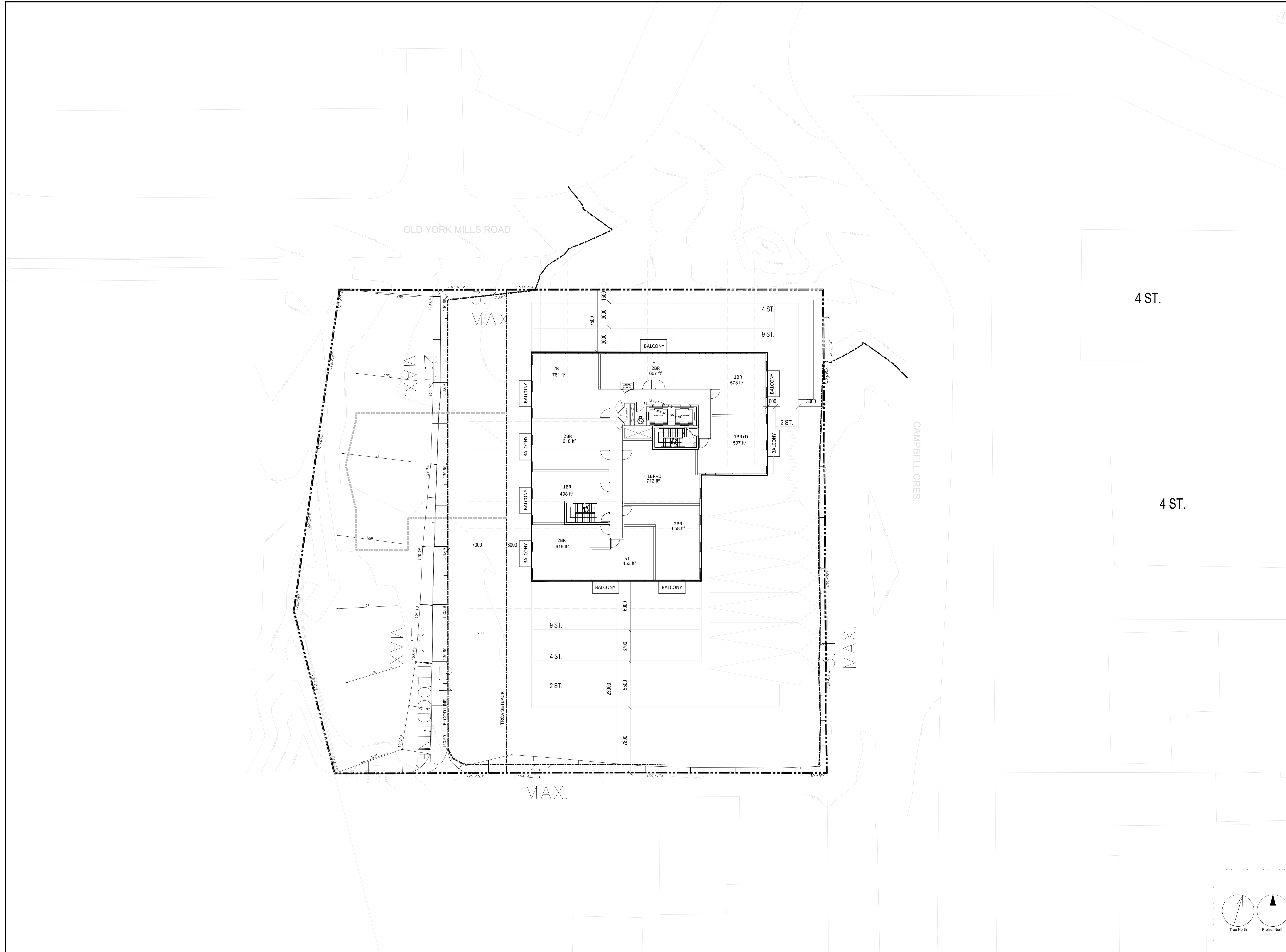
SCALE CHECK
 1" = 10mm



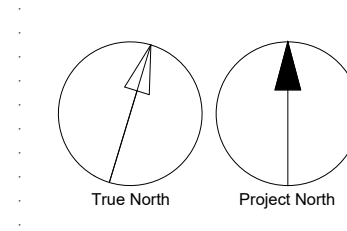
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<p>PRIME CONSULTANT</p> <p>ARCADIS</p> <p>55 St. Clair Avenue West, Toronto, ON M4V 2Y7, Canada tel 416 598 1930 www.arcadis.com</p>														
<p>PROJECT</p> <p>25 OLD YORK MILLS</p>														
PROJECT NO: 125319														
DRAWN BY:	CHECKED BY:													
PROJECT MGR:	APPROVED BY:													
SHEET TITLE	SCALE													
LEVEL 10	DATE 02 JUNE 2022													
SHEET NUMBER	ISSUE													
A206														



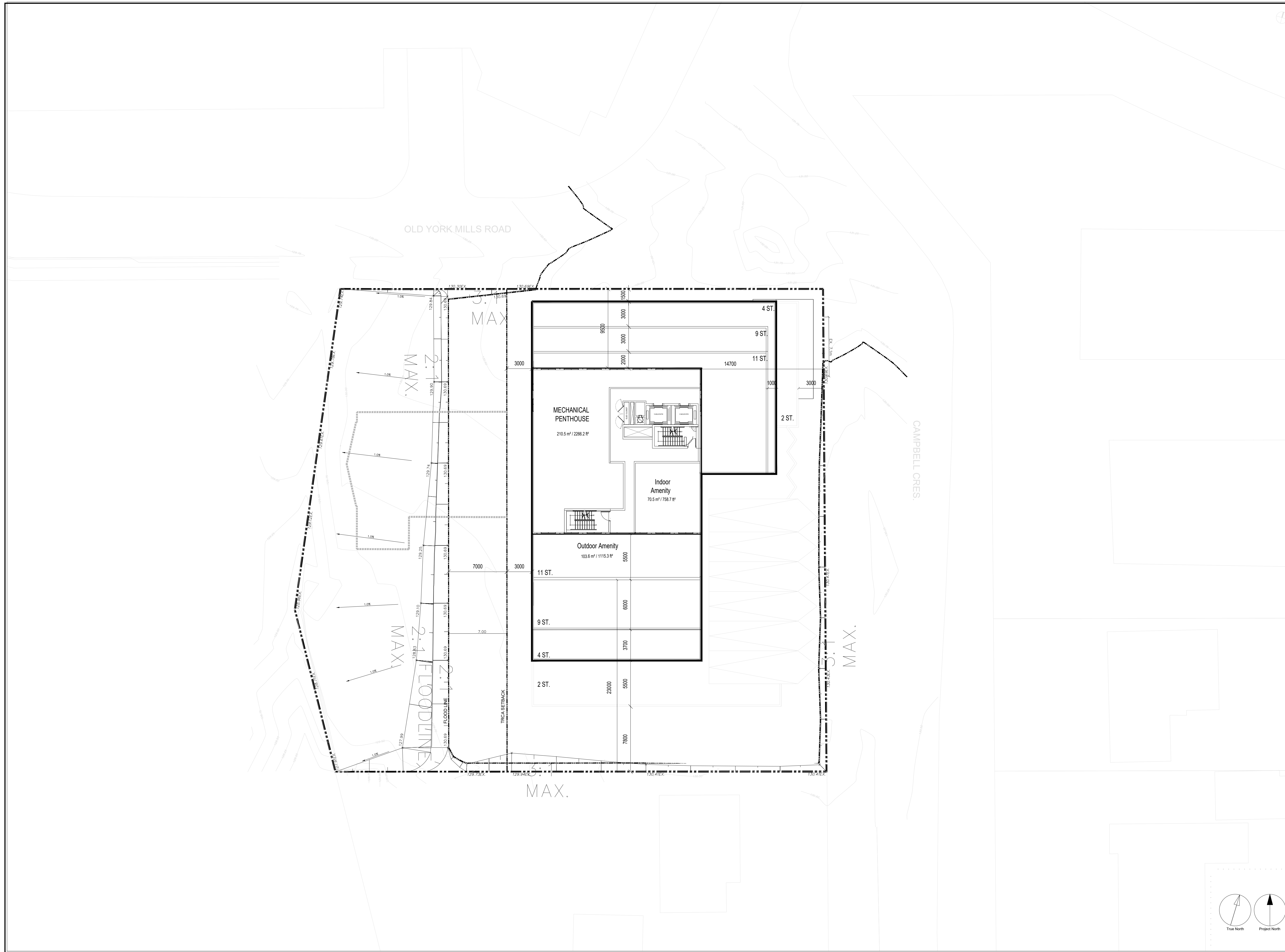
SCALE CHECK
1" = 10mm



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<p>PROJECT</p> <p>25 OLD YORK MILLS</p>														
PROJECT NO: 125319														
DRAWN BY:	CHECKED BY:													
PROJECT MGR:	APPROVED BY:													
SHEET TITLE		SCALE												
LEVEL 11		DATE												
SHEET NUMBER		ISSUE												
A207		02 JUNE 2022												



SCALE CHECK
1" = 10mm



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3	ISSUED FOR OLT	2023 - 09 - 18

REVISIONS

No.	DESCRIPTION	DATE
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PROJECT
 25 OLD YORK MILLS

PROJECT NO: 125319

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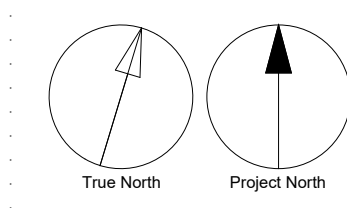
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SHEET TITLE
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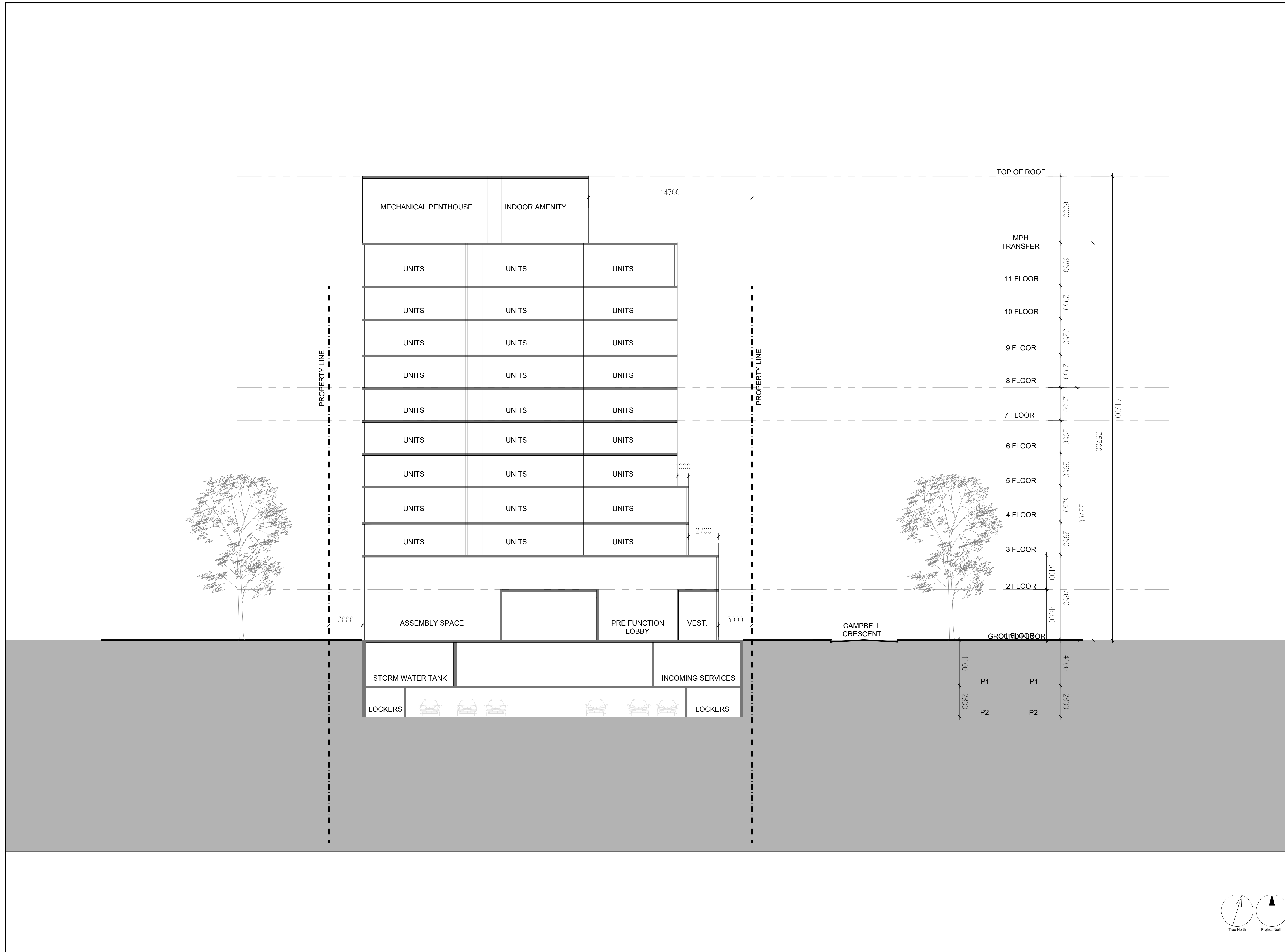
SCALE
 DATE
 02 JUNE
 2022

SHEET NUMBER
 A208

ISSUE



SCALE CHECK
 1/16" = 1'00"



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REVISIONS

No.	DESCRIPTION	DATE
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PROJECT
 25 OLD YORK MILLS

PROJECT NO: 125319
 DRAWN BY: _____ CHECKED BY: _____
 PROJECT MGR: _____ APPROVED BY: _____

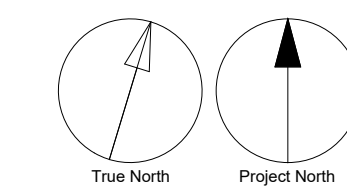
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 EAST-WEST SECTION

SCALE
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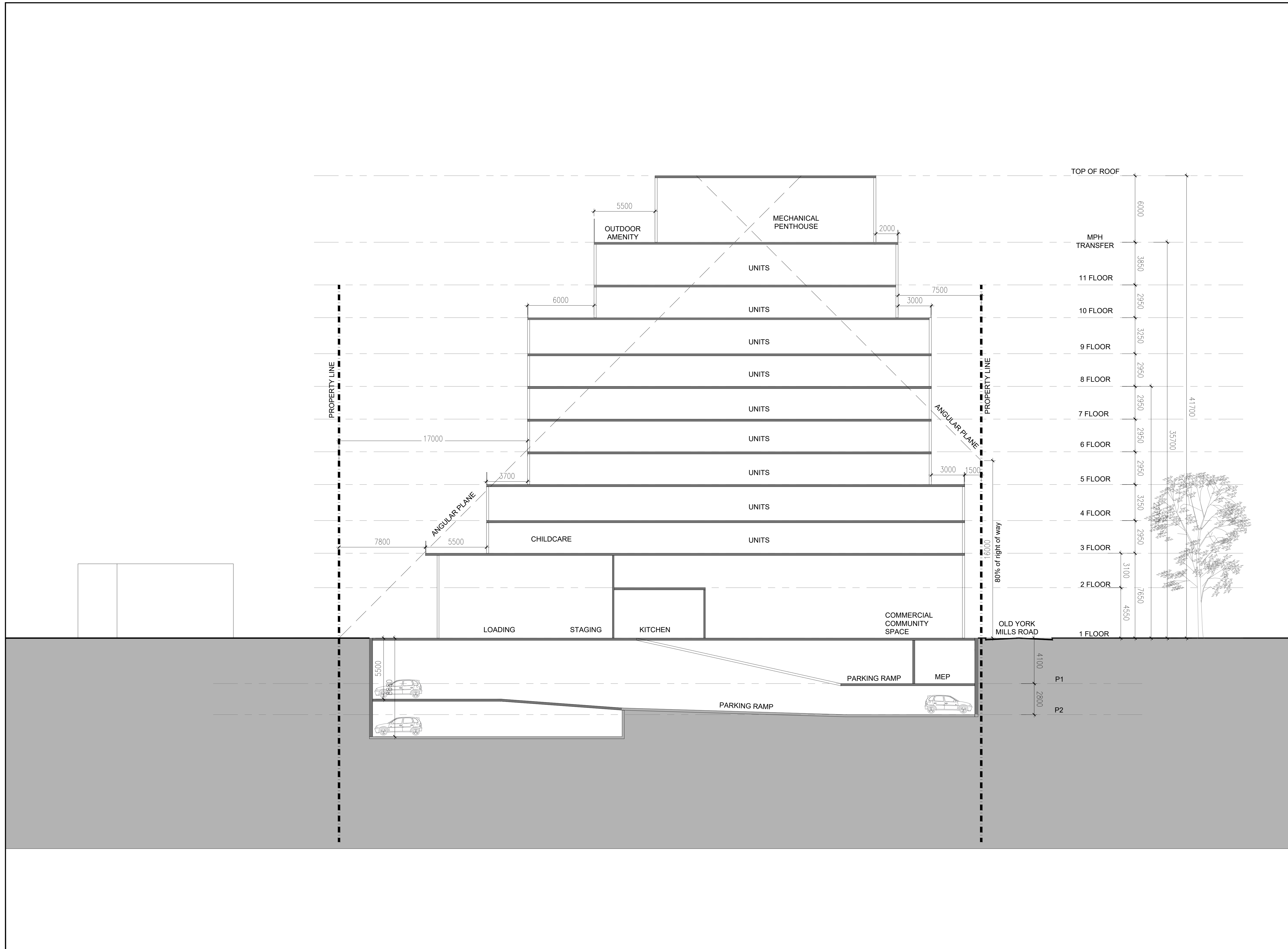
DATE
 02 JUNE 2022

SHEET NUMBER
 A300

ISSUE



SCALE CHECK
 1 in



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PROJECT
25 OLD YORK MILLS

PROJECT NO: 125319

DRAWN BY: _____ CHECKED BY: _____

PROJECT MGR: _____ APPROVED BY: _____

SHEET TITLE	SCALE
NORTH-SOUTH SECTION	1:150
11ST	DATE 02 JUNE 2022
SHEET NUMBER	ISSUE
A301	

SCALE CHECK
1 in