

Sidonia J. Tomasella Direct: 416.865.7763 E-mail: stomasella@airdberlis.com

March 5, 2024

BY EMAIL

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

Dear Ms. Braun:

Re: Without Prejudice Offer to Settle

2402-2418 Dufferin Street and 4-10 Ramsden Road

OLT Lead Case No.: OLT-22-004621

Related OLT Case Nos.: OLT-22-004262 & OLT-22-004263

Municipal File Nos.: 21 235229 NNY 08 OZ & 21 235231 NNY 08 SB

As you are aware, we are counsel to Lindvest (Dufferin) Developments Limited, 2796661 Ontario Inc., and 2404 Dufferin Holdings Limited (collectively, the "Owners") with respect to the lands municipally known as 2402-2418 Dufferin Street and 4-10 Ramsden Road in the City of Toronto (the "Site"). The Site is located at the northwest corner of Dufferin Street and Ramsden Road.

Further to the discussions that have taken place between the Owners and City Staff, we are writing to provide for City Council's consideration a revised proposal for the purpose of settling the Owners' Official Plan Amendment and Zoning By-law Amendment appeals currently before the Ontario Land Tribunal (the "**OLT**" or "**Tribunal**").

Please note that this offer is being submitted on a <u>without prejudice</u> basis for the purpose of City Council's consideration at its upcoming meeting on March 20, 2024.

#### **Description of the Site**

The Site is approximately 5,330 square metres in size and is currently developed with a mix of 1-and 2-storey residential and commercial buildings. The Site is partially bisected by an existing north-south public laneway.

The Site is designated *Neighbourhoods* and *Mixed Use Areas* on Map 17 of the City of Toronto Official Plan (the "**OP**") and is located along a designated *Avenue* (Dufferin Street) as shown on Map 2 of the OP. The Site is also subject to Site and Areas Specific Policies 476 and 477 which form part of Official Plan Amendment 256, implementing the findings of the Eglinton Connects Planning Study. Due to its close proximity to the Fairbank LRT Station on the Eglinton Crosstown line, the Site is also located within the Fairbank Protected Major Transit Station Area ("**PMTSA**") as delineated and adopted by Toronto City Council. The Fairbank PMTSA is delineated in Site

and Area Specific Policy 675 ("**SASP 675**"). SASP 675 was established by Official Plan Amendment No. 570 which was adopted by City Council, and is currently before the Minister of Municipal Affairs and Housing for approval.

The eastern portion of the Site is zoned CR (Commercial Residential) 2.5 (c2.5; r2.5) SS2 (x2572) and western portion of the Site is zoned RM (Residential Multiple) (f12.0; u2;d0.8) (x252) pursuant to Toronto City-wide Zoning By-law 569-2013 and MCR (Main Street Commercial/Residential and R2 (Residential Zone) by Former City of York Zoning By-law 1-83.

#### **Development Application History**

On November 5, 2021, the Owners, through their planning consultant MHBC, submitted Official Plan Amendment ("**OPA**"), Zoning By-law Amendment ("**ZBA**") and Draft Plan of Subdivision ("**DPS**") applications (collectively, the "**Applications**") to the City. The Applications were deemed complete on November 10, 2021 and a community consultation meeting was held by the City on February 7, 2022. A related Site Plan Application ("**SPA**") was also filed on November 10, 2021.

The Applications were filed in order to facilitate the redevelop the Site with a 24-storey tower on Block 1 (the "**East Building**") and a 9-storey mid-rise building on Block 2 (the "**West Building**").

On July 28, 2022, the Owners appealed the OPA, ZBA, and DPS Applications to the OLT due to Council's failure to make a decision with respect to the Applications within the timeframe prescribed by the *Planning Act* (the "**Appeals**"). The SPA has not been appealed.

Two (2) Case Management Conferences were held on July 28, 2022 and April 3, 2023 and hearing dates are currently scheduled for April 15-26, 2023. Mediation between the City and the Owners was previously held on February 27 and March 23, 2023.

On November 17, 2023, the Owners submitted revised architectural plans with the parties and the OLT pursuant to Procedural Order for the Appeals. The revised architectural plans showed a reduced 4-storey West Building and an increased 35 storey East Building.

Throughout the appeal process, the Owner and their consultant team have continued to collaborate with City Staff in an attempt to resolve the outstanding issues and in an effort to reach a resolution of the Appeals.

#### **Settlement Offer**

In light of the foregoing, we are writing to provide a <u>without prejudice</u> settlement offer to resolve the OPA and ZBA appeals (the "Settlement Offer"). The revised development proposal for the Site (the "Revised Proposal") which forms the basis of this Settlement Offer is described below and shown on the enclosed Architectural Plans prepared by RAW Design and dated March 5, 2024 (the "Settlement Plans", included as Attachment 1 to this letter).



The Revised proposal is the result of discussions between City Staff and the Owners. The Owners are now submitting this Settlement Offer for City Council's consideration as the Revised Proposal appropriately responds to and addresses the comments received from City Staff, including Planning, Urban Design, Transportation, and Urban Forestry.

The Settlement Offer is intended to resolve the Appeals with respect to the OPA and ZBA proposed for the Site. As the focus of settlement discussions have been with respect to the OPA and ZBA, the Owner and the City have not yet had the opportunity to determine the best way to address the DPS, which is also under appeal. Therefore, as noted in the conditions of settlement outlined below, the Owner is proposing that the DPS appeal be adjourned *sine die*, to provide the opportunity for the Owner and City Staff to have further discussions in order to determine the most appropriate means of finalizing the DPS as necessary.

The Settlement Offer includes the following key modifications as compared to the Architectural Plans filed with the Tribunal on November 17, 2023:

- The height of the East Building has been decreased from 35 storeys to 34 storeys (110.03 metres plus a 6.7 metre mechanical penthouse). The height of the West Building remains at 4 storeys (14.23 metres plus a 3.3 metre mechanical penthouse), which was previously decreased from 9 storeys in order to be consistent with the height limit of apartment buildings located in the *Neighbourhoods* designation.
- Portions of the 7<sup>th</sup> and 8<sup>th</sup> storeys of the East Building have been sculpted to reduce the massing and to eliminate the portions of the podium above the 6<sup>th</sup> floor, with the tower now starting on Level 7.
- As a result of the changes to the height and massing, the total Gross Floor Area has slightly decreased from 32,588 square metres to 31,816 square metres.
- The existing City-owned laneway that partially bisects the Site is proposed to be extended through the conveyance by the Owners of additional lands to the City, which will bring the laneway to the Site's northern property line. The design of the laneway includes new pedestrian walkways.
- In response to Transportation Staff's request, the trees along the Dufferin Street frontage
  have been removed and replaced with a landscape buffer. A 2.1-metre pedestrian
  clearway will be provided within the public Right of Way along Dufferin Street.
- In response to Transportation Staff's request, a 0.3 metre setback will be provided between the Site's eastern property line and the edge of the sidewalk along Dufferin Street.



- In response to Transportation Staff's request, the Owners will agree to include short term
  parking space(s) within the underground garage of the West Building as determined
  through an assessment of the pick-up/drop-off needs of said building. Details regarding
  the short term delivery parking space(s), including appropriate signage and wayfinding,
  can be finalized through the Site Plan approval process for this development.
- In response to Staff's request, the Owners are proposing to preserve the tree along the Ramsden frontage, with the sidewalk to run adjacent to the park in a linear manner. The Owners and Transportation Staff agree to work cooperatively during the Site Plan stage in order to design an appropriate jog in the sidewalk within the existing available space. This element of the Settlement Offer has not been depicted in the Settlement Plans attached herein as Attachment 1.

#### **Terms of Settlement**

The Owners are prepared to settle these Appeals with the City, provided that City Council support the approval by the OLT of a revised OPA and ZBA reflecting the Revised Proposal described above and as shown on the Settlement Plans attached herein as **Attachment 1** and in accordance with the following settlement terms:

- 1. Rental Housing: The Owners and the City agree that there is one (1) rental housing unit on the Site. As a result, no replacement is required. However, prior to the issuance of Notice of Approval Conditions for Site Plan Control, the Owners agree to make best efforts to provide a Tenant Relocation and Assistance Plan to the satisfaction of the Chief Planner and Executive Director, City Planning, for the one (1) former tenant. This former tenant vacated the property approximately two years ago and therefore the Owners are not able to confirm that they will be able to make contact with the former tenant. Furthermore, the City agrees to bring forward the Owners' Rental Housing Demolition Application as soon as practical after the issuance of a final order of the OLT on the Zoning and Official Plan amendment applications.
- 2. Parkland Conveyance: The Owner agrees to convey the Park (a 503.2 square metre parcel of land as shown in the enclosed Architectural Plans) to the City, free and clear, above and below grade, of all easements, encumbrances, and encroachments, for a future public park at no cost to the City and in full satisfaction of the City's parkland contribution requirements set out in Article III, Chapter 415 of the Municipal Code in connection with this development.
- 3. Laneway Turnaround: In response to the City's request, the laneway has been designed to accommodate a "hammerhead" at its future northern limit, which is partially located on the privately owned lands on either side of the extended lane. The portions of the hammerhead on the Site will be subject to an access easement in favour of the City, that will be conveyed as a condition of Site Plan Approval to the Satisfaction of the General



Manager, Transportation Services. This configuration is intended to accommodate the turnaround movements of City vehicles that will service the lane on an interim basis, until such time as redevelopment of the neighbouring property to the north allows the laneway to be extended to Bowie Avenue. Vehicle Manoeuvring Diagrams (the "VMDs") have been enclosed as Attachment 2 to this Settlement Offer, and demonstrate that the "hammerhead" design is functional for truck turning, including for City vehicles whose dimensions have been provided by City Transportation Staff.

- 4. Conditions Related to Easements: As noted above, the Owners have agreed to Transportation Staff's request to provide a public easement over the lands adjacent to the "hammerhead" to in order to accommodate truck turning manoeuvres (as shown by "hatching" on the VMDs attached to this letter as Attachment 2). Furthermore, the Owners similarly agree to remove the existing pedestrian easement (running along the northern property line of the Site) for the portions of the lands to be conveyed to the City for the extended laneway. As a term of this settlement, the City shall require the provision of the "hammerhead" access easements and the removal of the existing pedestrian easement as conditions of Site Plan Approval to the satisfaction of the General Manager, Transportation Services. Furthermore, the City agrees to release the "hammerhead" access easement shown on Attachment 2 and to its removal from title at such future time that the laneway is fully extended northwards to Bowie Avenue. With respect to the easements to be provided, the Owners agree to the following:
  - a. The Owners assume responsibility for all expenses, upkeep, and liabilities within the designated easement areas.
  - b. Should there be underground parking or other structures beneath the easement area, a design submission from a structural engineer is required. This submission must demonstrate that the future parking structure or other structures are reinforced to meet the applicable provisions of the Canadian Highway Bridge Design Code, ensuring they can support the expected vehicular loading of this public right-of-way, to the satisfaction of Transportation Services.
  - c. Clear differentiation of the easement area using distinct colors or materials is required to facilitate staff recognition of the turning maneuver zone.
  - d. Additional comprehensive safety management programs must be implemented for the turning area located in front of underground parking ramps, alongside the provided lighting, to meet the satisfaction of Transportation Services.
- 5. Pre-Conditions to Final Order: The Owner and the City shall agree to request that the Tribunal approve the OPA and ZBA applications in principle and withholds its Final Order until such time as the parties jointly confirm that the following condition has been fulfilled:
  - a. The Official Plan Amendment and Zoning By-law Amendment are in a final form satisfactory to the Chief Planner and Executive Director, City Planning and the Owner:



- The owner has submitted an updated Transportation Impact Study to the satisfaction of the General Manager, Transportation Services, and the Chief Planner and Executive Director, City Planning;
- the owner has submitted a revised Transportation Demand Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, and that such matters be secured if required;
- d. the owner has provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the acceptable Functional Servicing Report and Stormwater Management Report, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development. In requiring any off site municipal infrastructure upgrades, the owner is to make satisfactory arrangements with Engineering and Construction Services for Work on the City's Right-of-Way;
- e. the owner has provided space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681.10;
- f. the owner has provided a revised draft Plan of Subdivision to the satisfaction of the Chief Planner and the Executive Director, City Planning, as necessary.
- 6. **OLT Hearing**: If City Council accepts this Settlement Offer, the City and the Owners agree to jointly request a one-day settlement hearing for the OPA and ZBA appeals during the reserved hearing dates from April 15 to 26, 2024. The City and the Owners agree to adjourn the appeal of the DPS application *sine die*.
- 7. Site Plan: Through the discussions that have resulted in this Settlement Offer and the Revised Proposal, the Owner has agreed to requests from City Staff pertaining to specific designs regarding access, landscaping, laneway configuration, and the location of the pedestrian clearway, all which are reflected on the Settlement Plans and VMDs included here. It is expected that these features will be reflected as agreed to herein through the Site Plan approval process implementing this development. Notwithstanding the foregoing, where relief is required in the underground garage to the City's minimum drive aisle width of 6.0 metres, such relief will be obtained through future applications for minor variances.



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- 8. **Draft Instruments**: The City and the Owners shall work together to prepare an agreed-upon draft of the Official Plan Amendment and Zoning By-law Amendment to permit the Settlement Proposal. The City will not object to the Owners filing the draft instruments as exhibits at the Tribunal settlement hearing.
- 9. **Timing:** The terms of this Settlement Offer shall remain open until the conclusion of the City Council meeting commencing on March 20, 2024.

In support of the Settlement Offer, we enclose materials which support the Revised Proposal as described above, including the following:

- Attachment 1: Architectural Plans prepared by RAW Design dated March 5, 2024; and
- Attachment 2: Vehicle Manoeuvring Diagrams for the Laneway prepared by LEA Consulting Ltd., dated February 28, 2024.

Thank you in advance for your consideration of this Settlement Offer. Should you have any questions, do not hesitate to contact the undersigned or my partner Alexander J. Suriano at <a href="mailto:assuriano@airdberlis.com">assuriano@airdberlis.com</a> or 437-880-6108.

Yours truly,

AIRD & BERLIS LLP

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Sidonia J. Tomasella SJT/NM/cb

Cc: Client



# 16069 Dufferin and Ramsden

Dufferin and Ramsden, Toronto ON

## Lindvest (Dufferin) Developments Limited

Project: 16069

Date: 2024-03-05

Issued for: SETTLEMENT OFFER

ARCHITECTURAL DRAWING LIST	
SHEET NUMBER	SHEET TITLE
A000 - GENERAL	
A001	COVER / DRAWING LIST
A002	SITE STATS AND CONTEXT
A100	SITE PLAN
A200 - FLOOR PLAN	S
A101	P1 FLOOR PLAN
A102	P2 FLOOR PLAN
A103	P3 FLOOR PLAN
A201	GROUND FLOOR PLAN
A202	2nd FLOOR PLAN
A203	3rd FLOOR PLAN
A204	4th FLOOR PLAN
A205	5th FLOOR PLAN
A206	6th FLOOR PLAN
A207	7th FLOOR PLAN
A208	8th FLOOR PLAN
A209	9th -34th FLOOR PLAN
A235	MECH PH
A236	TOP ROOF
A400 - ELEVATIONS	
A401	BUILDING ELEVATIONS
A402	BUILDING ELEVATIONS
A403	BUILDING ELEVATIONS
A404	BUILDING ELEVATIONS
A500 - SECTIONS	
A501	BUILDING SECTIONS

## PROJECT CONSULTANTS

### PLANNING

MHBC PLANNING 540 Bingemans Centre Drive, Suite 200 Kitchener, ON N2B 3X9 (519) 576-3650

#### **SURVEYORS**

KRCMAR SURVEYORS LTD. 1137 Centre St Thornhill, ON L4J 3M6 (905) 738-0053

### SITE SERVICING

SCS CONSULTING GROUP LTD. 30 Centurian Drive, Suite 100 Markham, ON L3R 8B8 (905) 475-1900

### TRAFFIC

LEA CONSULTING LTD. 425 University Ave #400 Toronto, ON M5G 1T6 (905) 470-0015

#### LANDSCAPE

NAK DESIGN STRATEGIES. 421 Roncesvalles Ave Toronto, ON M6R 2N1 (416) 340-8700

### WIND & ACOUSTICS

ROWAN WILLIAMS DAIVES & IRWIN INC. 600 Southgate Guelph, ON N1G 4P6 (519) 823-1311

#### MECHANICAL AND ELECTRICAL

ABLE ENGINEERING INC. 20 Densley Av North York, ON M6M 2R1 (905) 669-4055

## Attachment 1

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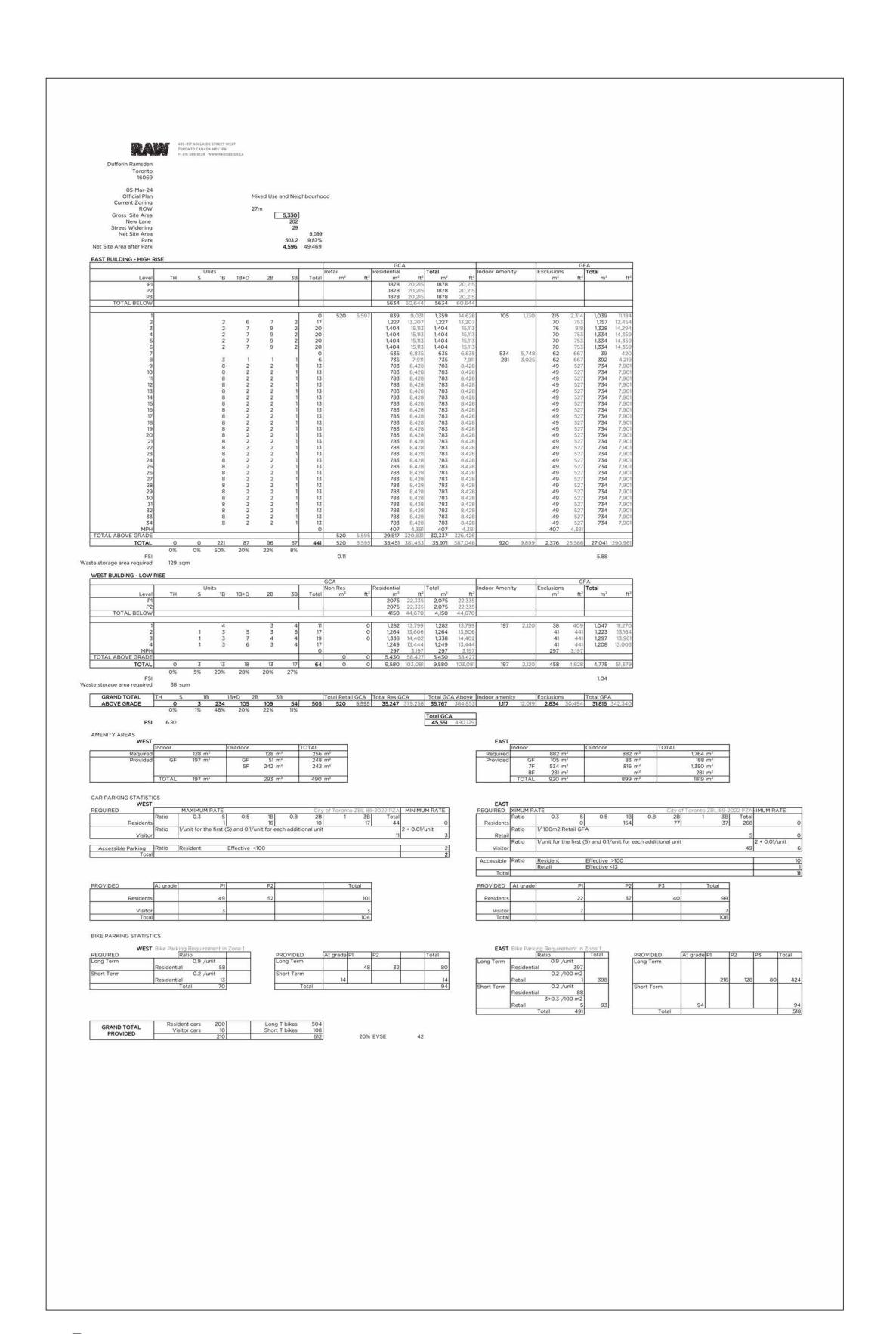
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COVER / DRAWING LIST





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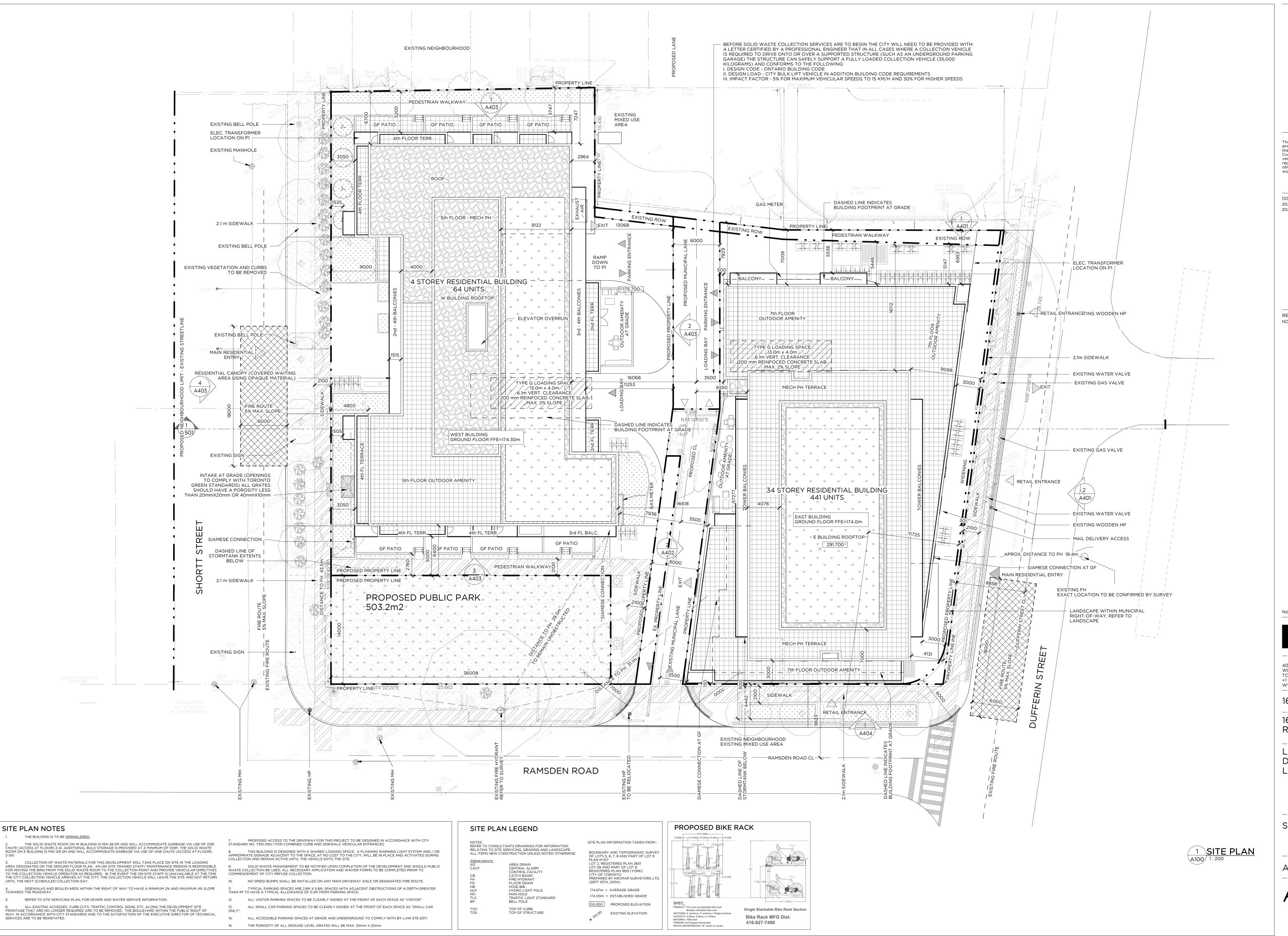
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SITE STATS AND CONTEXT

As indicated

A002

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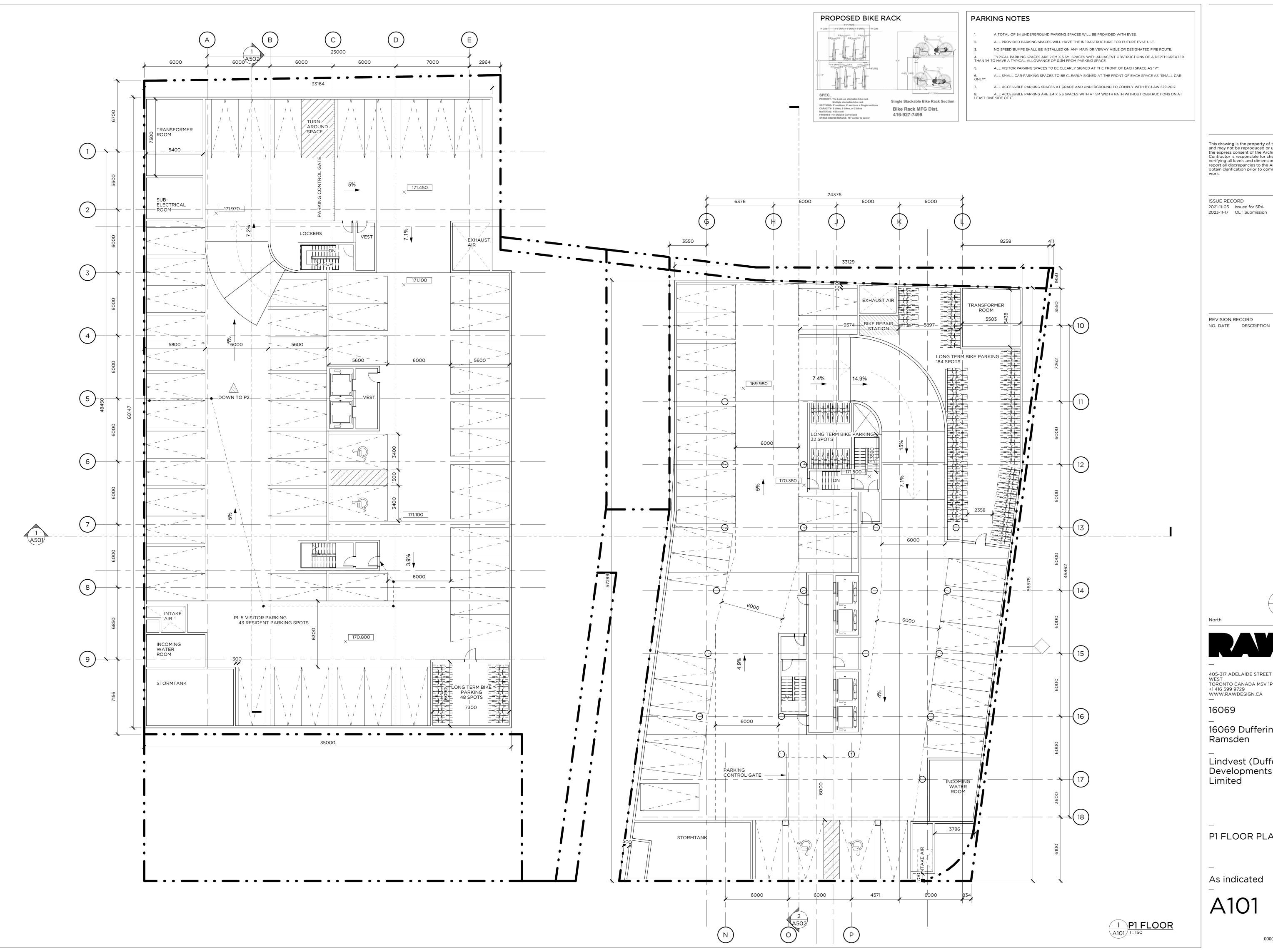
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SITE PLAN

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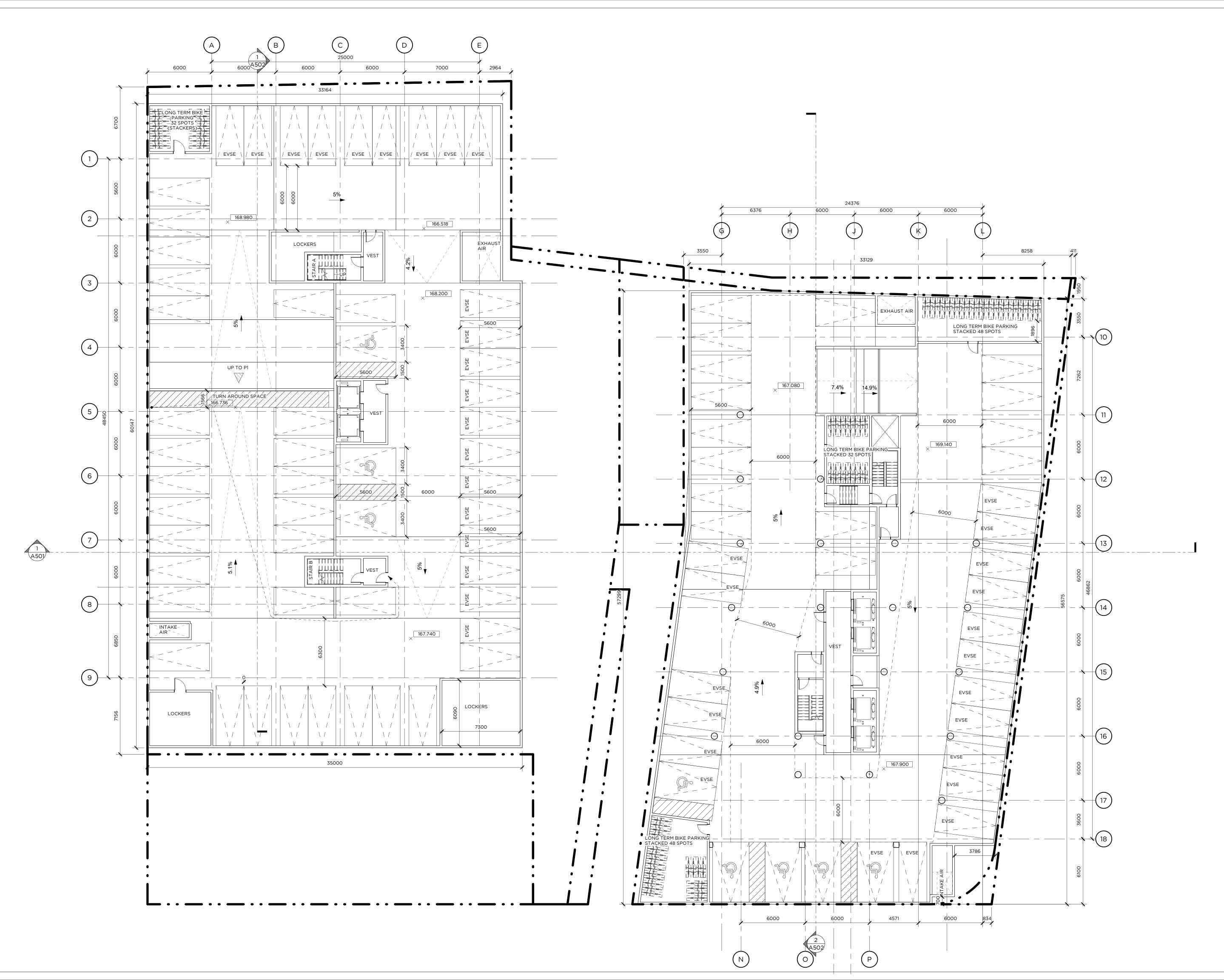
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P1 FLOOR PLAN

As indicated



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P2 FLOOR PLAN

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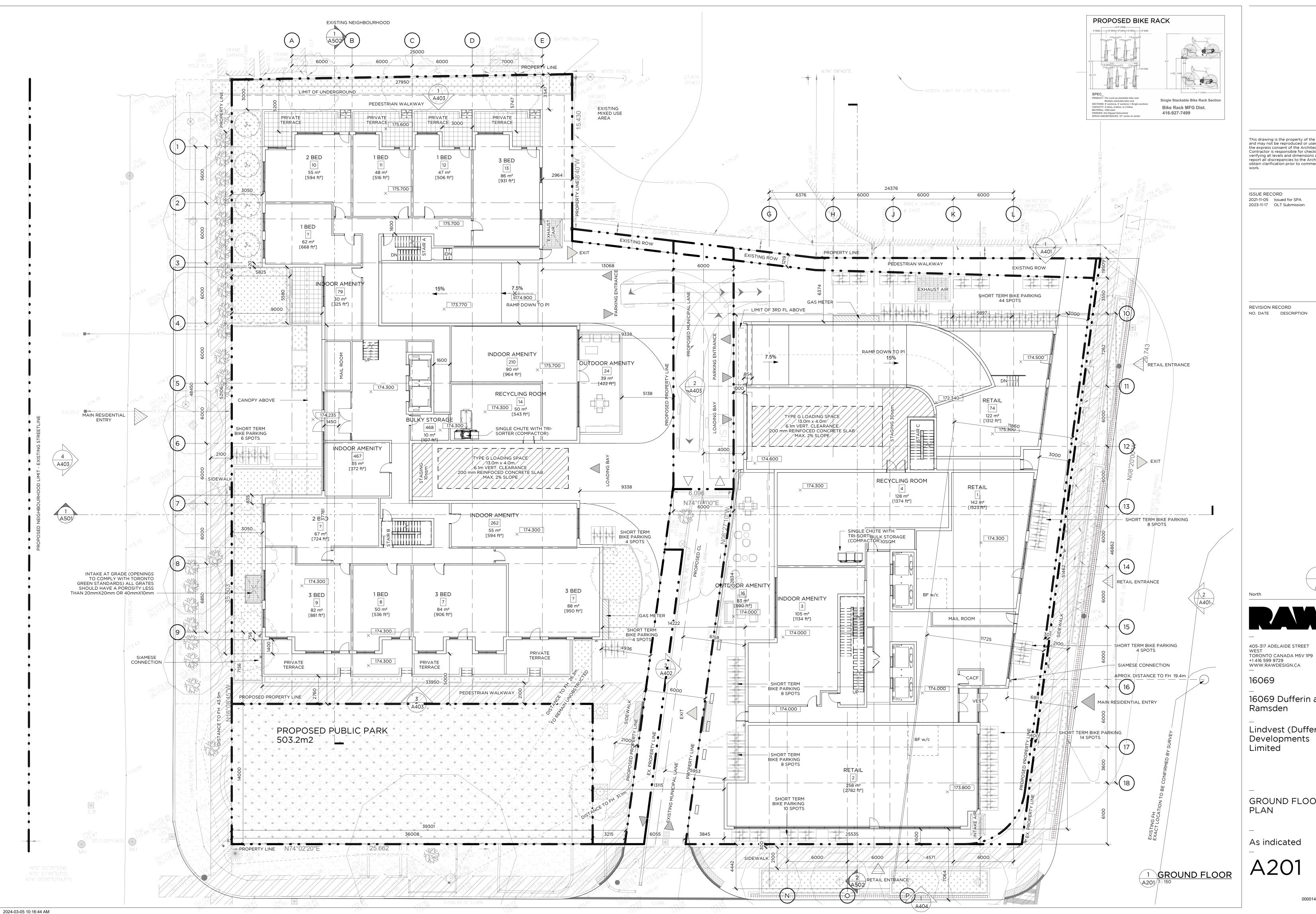
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P3 FLOOR PLAN

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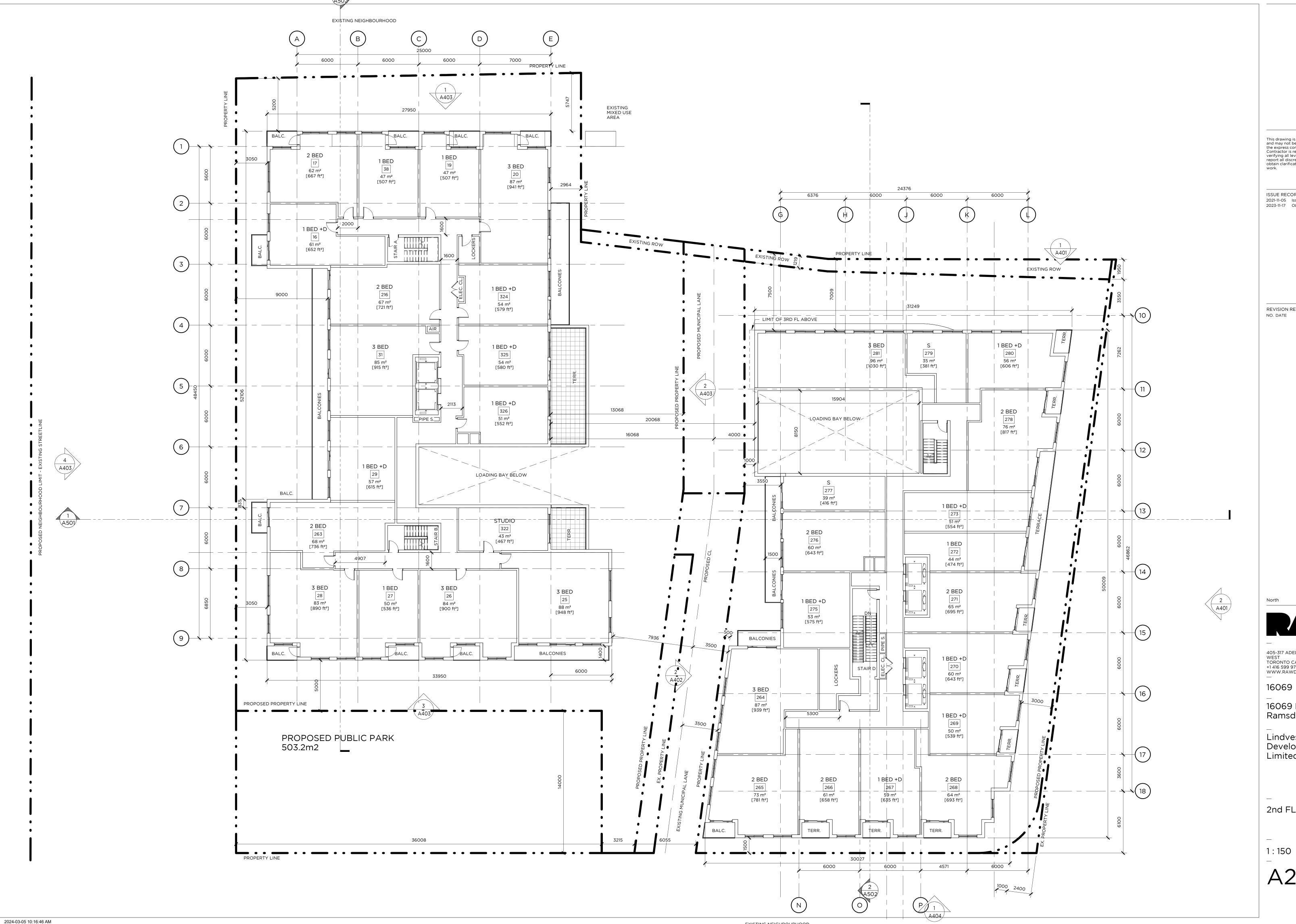
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**GROUND FLOOR** 



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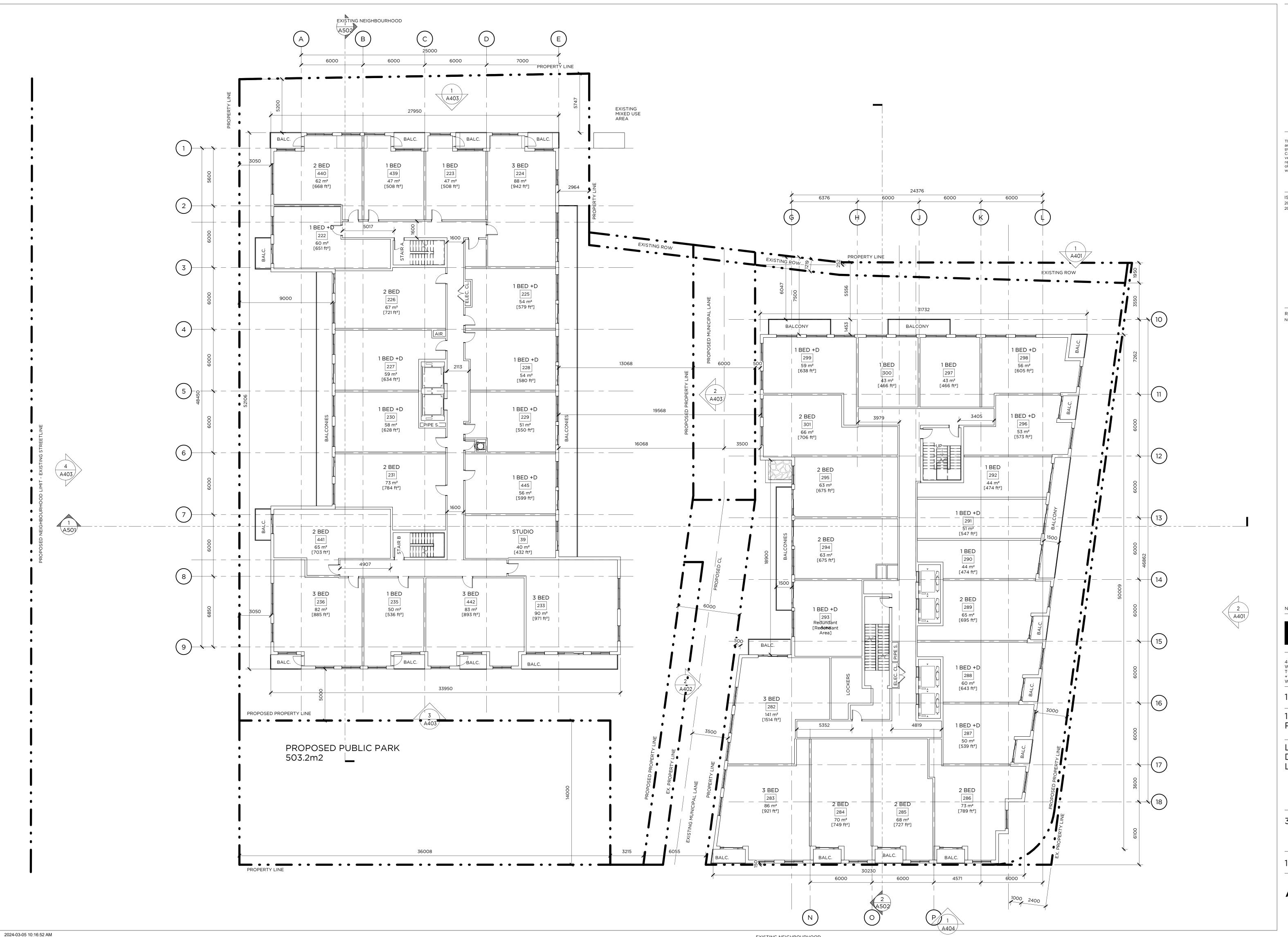
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2nd FLOOR PLAN



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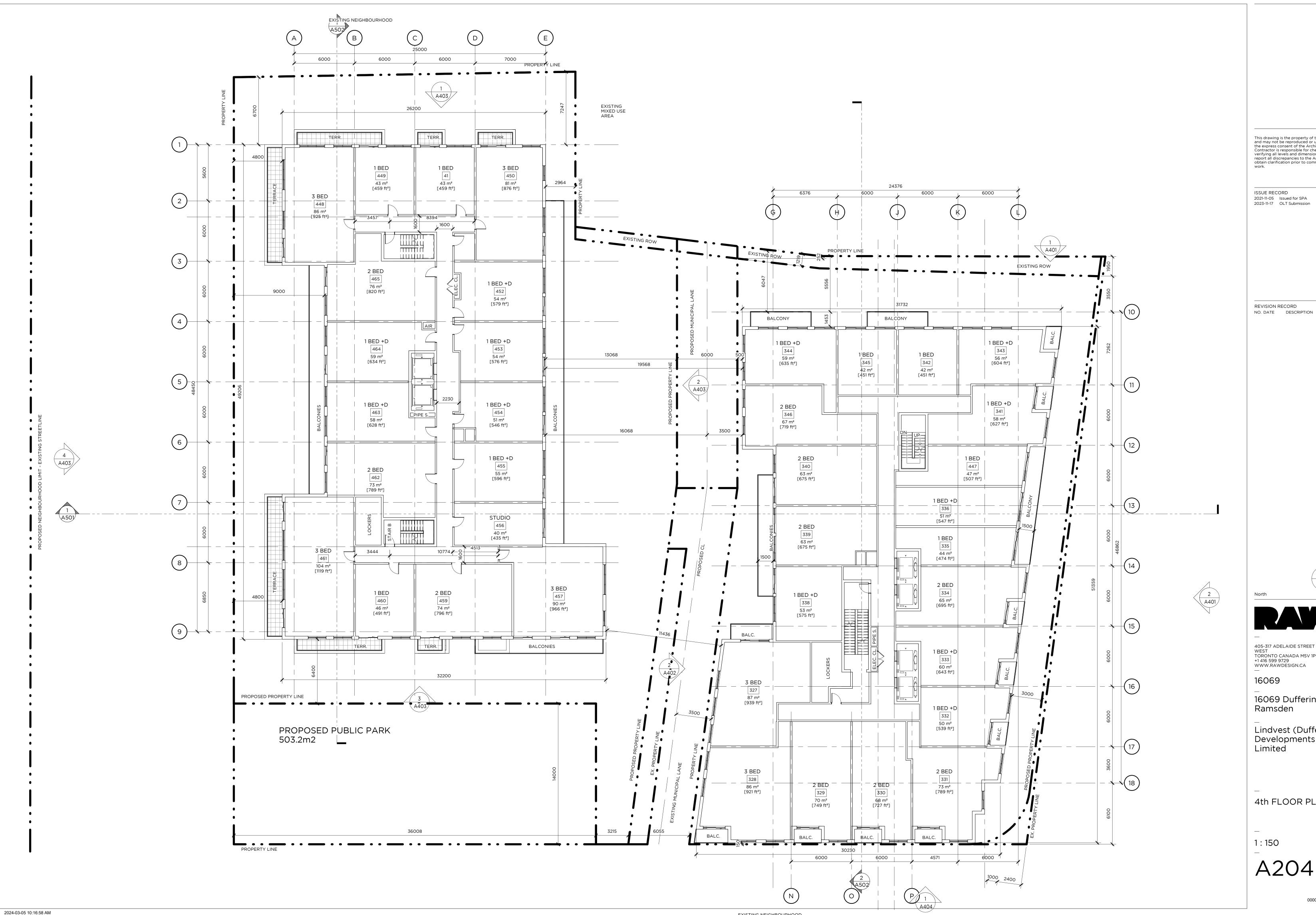
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3rd FLOOR PLAN

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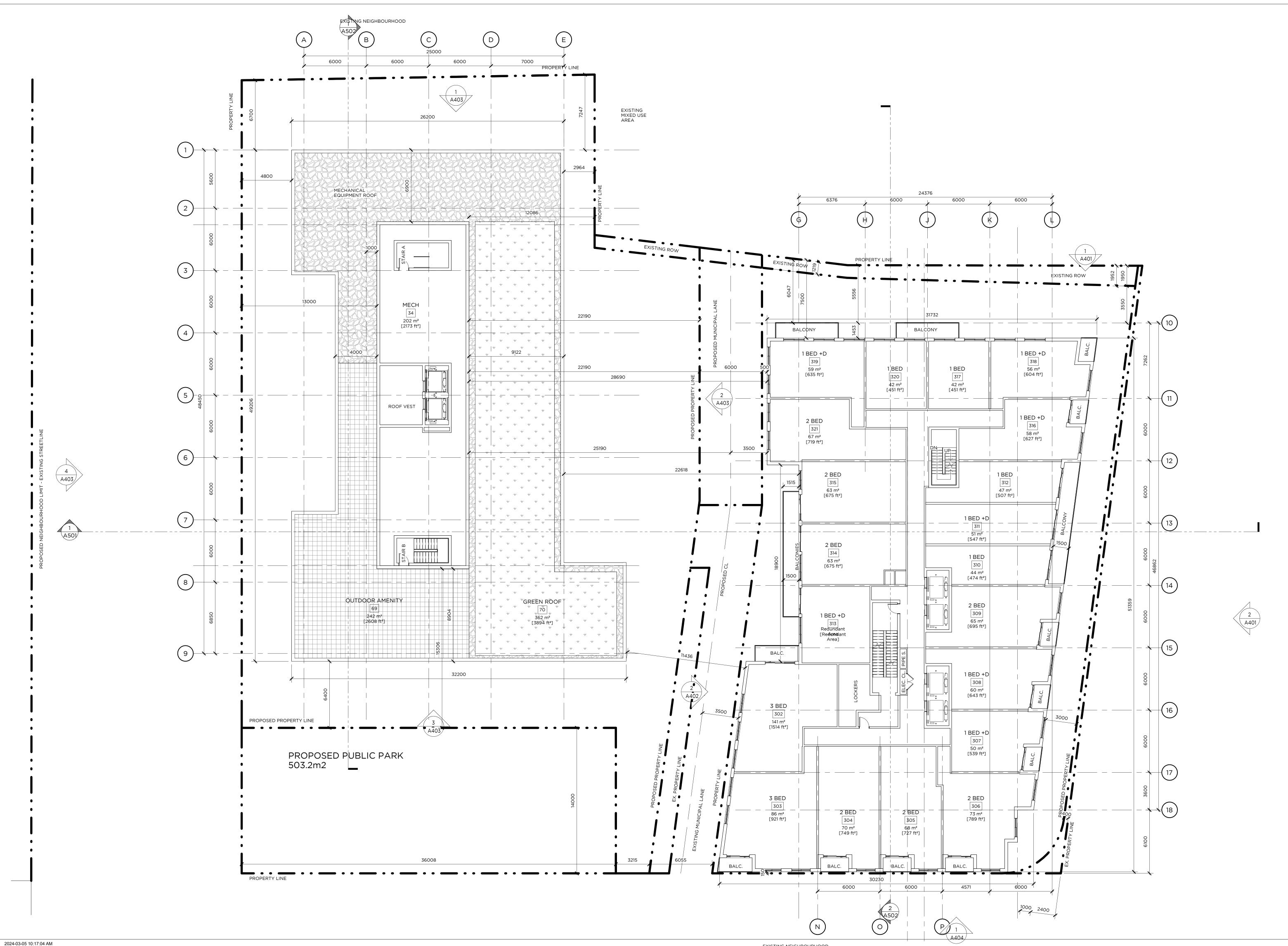
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4th FLOOR PLAN



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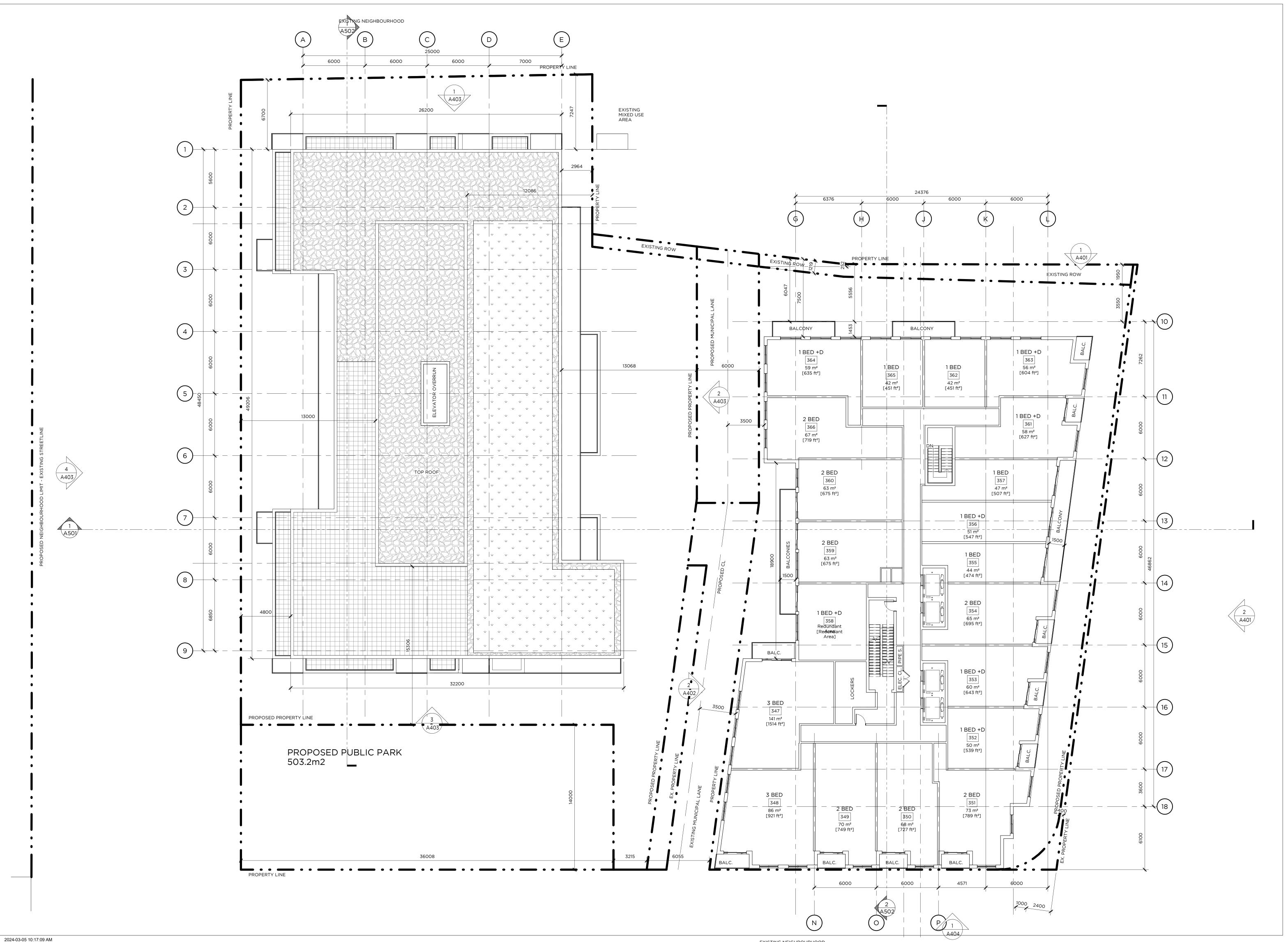
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-5th FLOOR PLAN

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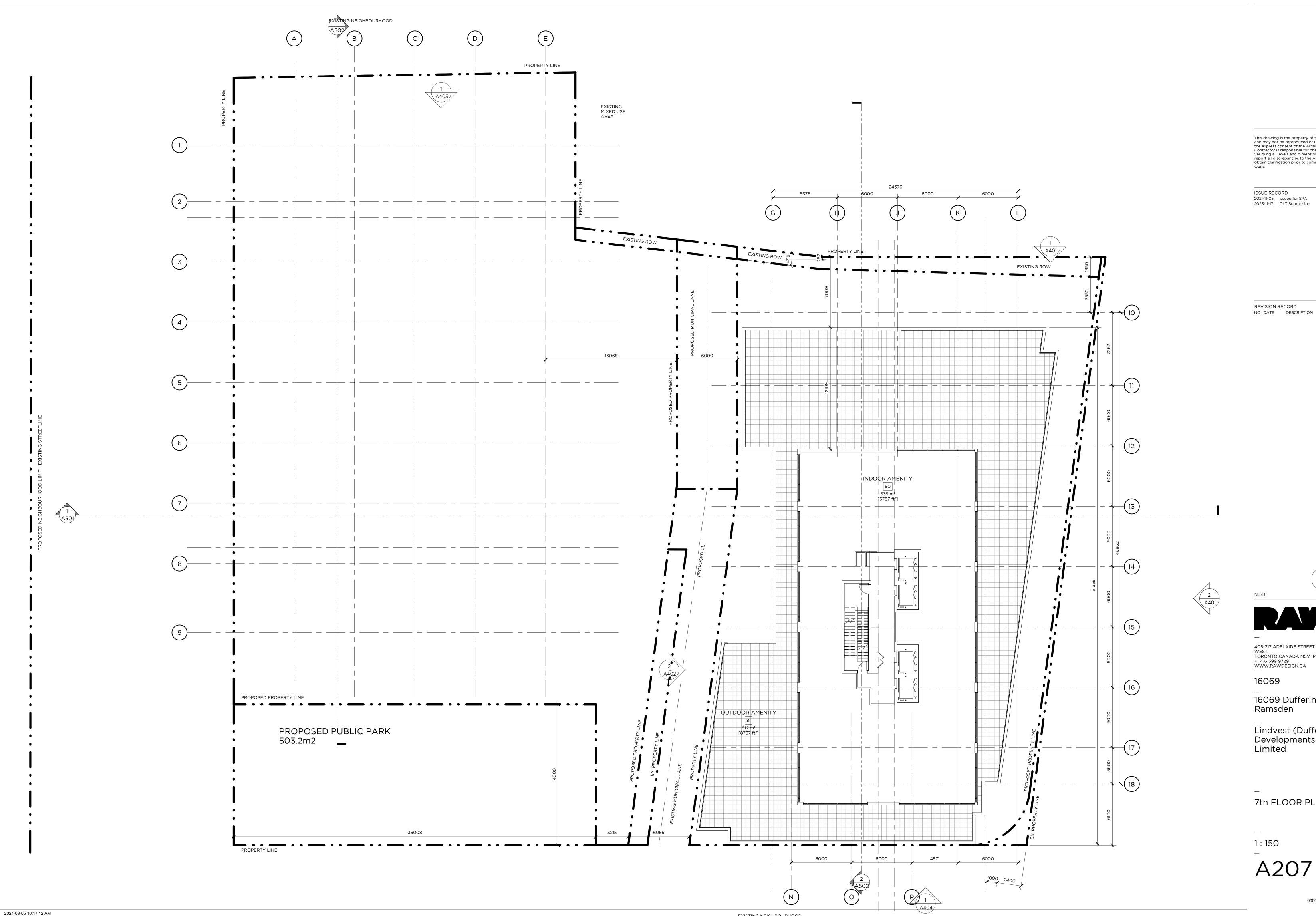
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6th FLOOR PLAN

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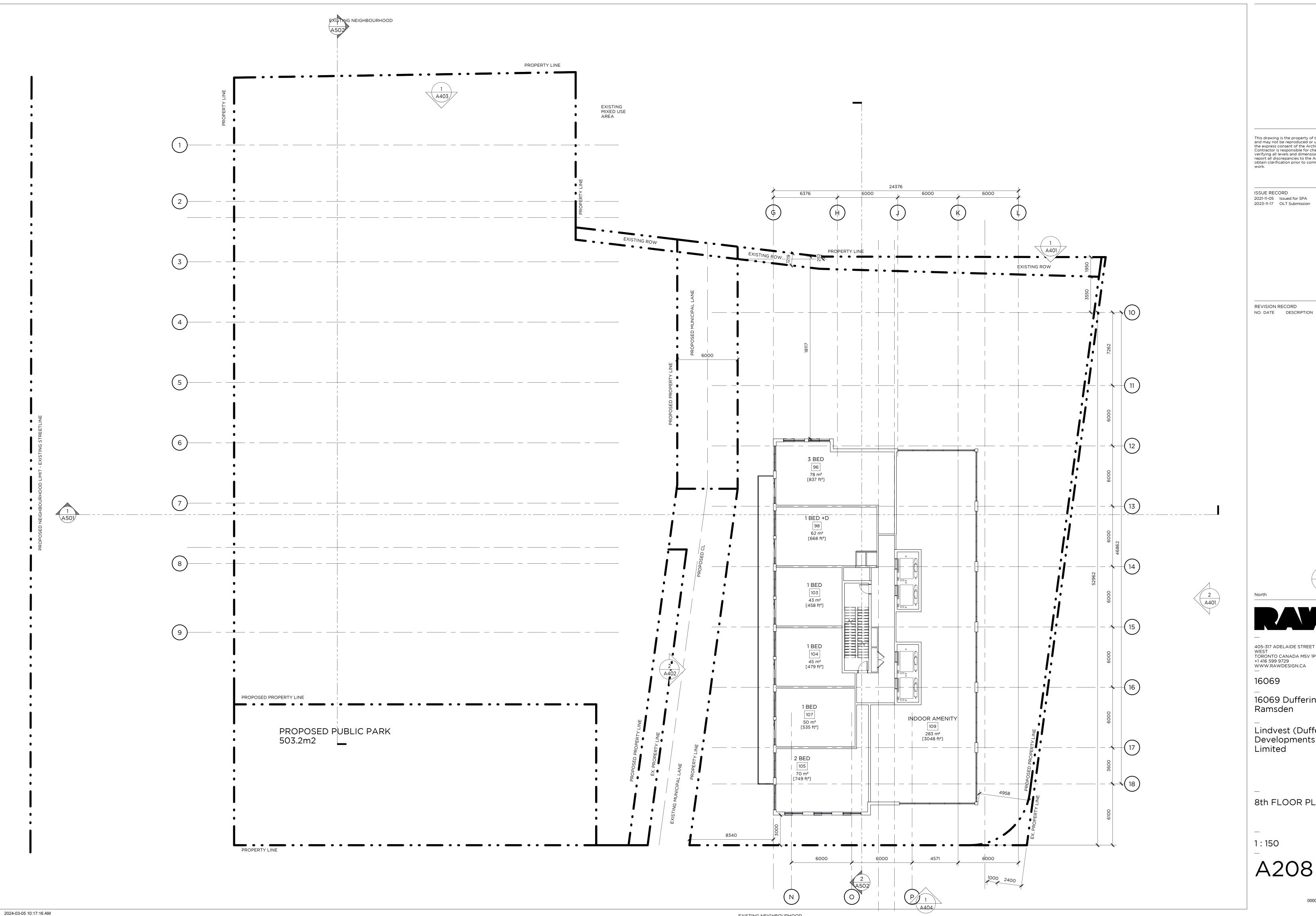
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7th FLOOR PLAN



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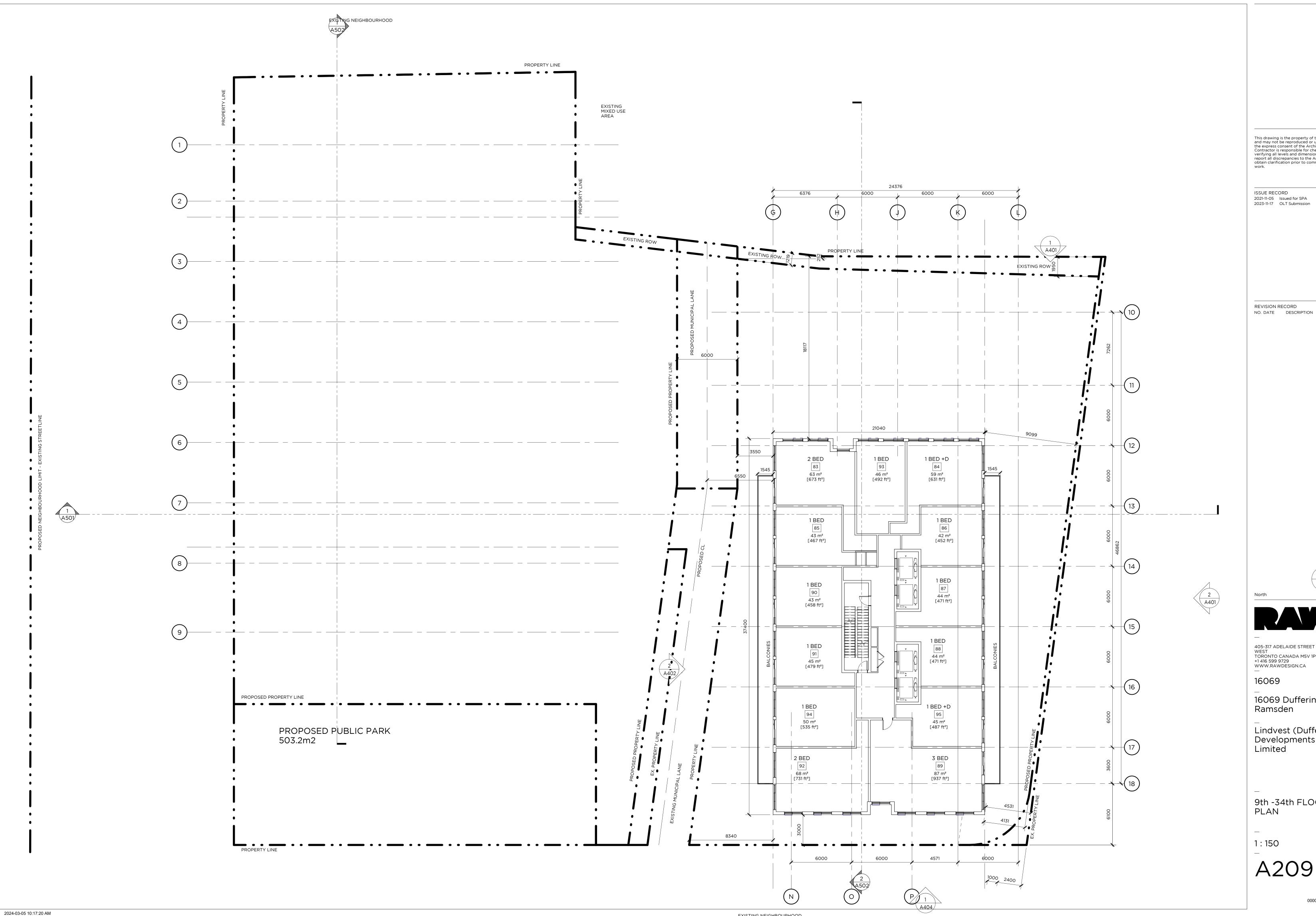
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Developments
Limited

8th FLOOR PLAN



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9th -34th FLOOR PLAN

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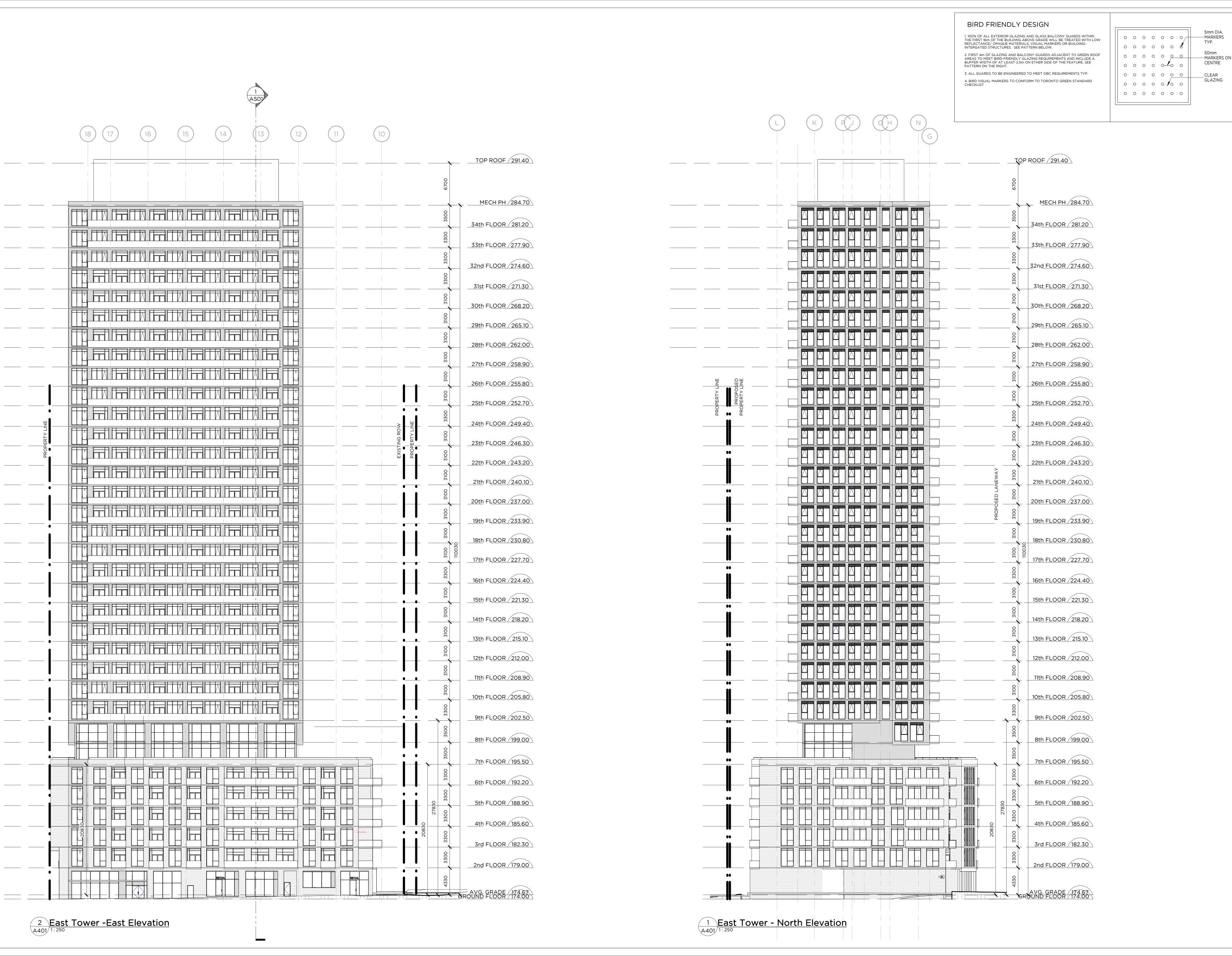
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TOP ROOF



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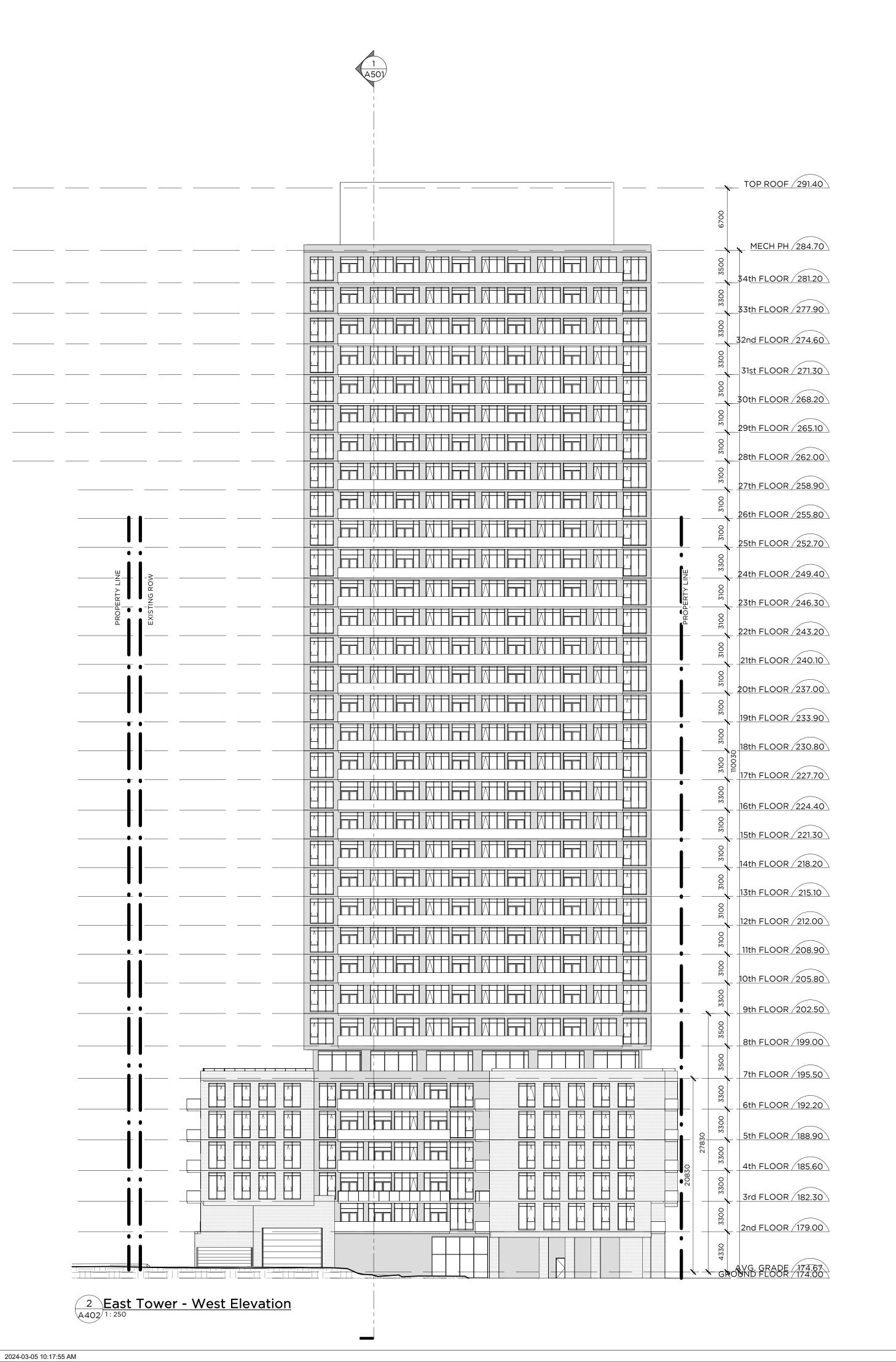
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Lindvest (Dufferin) Developments Limited

BUILDING ELEVATIONS

As indicated



BIRD FRIENDLY DESIGN

1. 100% OF ALL EXTERIOR GLAZING AND GLASS BALCONY GUARDS WITHIN THE FIRST 16m OF THE BUILDING ABOVE GRADE WILL BE TREATED WITH LOW REFLECTANCE/ OPAQUE MATERIALS, VISUAL MARKERS OR BUILDING-INTERGATED STRUCTURES. SEE PATTERN BELOW.

2. FIRST 4m OF GLAZING AND BALCONY GUARDS ADJACENT TO GREEN ROOF AREAS TO MEET BIRD-FRIENDLY GLAZING REQUIREMENTS AND INCLUDE A BUFFER WIDTH OF AT LEAST 2.5m ON ETHER SIDE OF THE FEATURE. SEE PATTERN ON THE RIGHT.

3. ALL GUARDS TO BE ENGINEERED TO MEET OBC REQUIREMENTS TYP.

4. BIRD VISUAL MARKERS TO CONFORM TO TORONTO GREEN STANDARD CHECKLIST

5mm DIA.
MARKERS
TYP.

50mm
MARKERS ON
CENTRE

CLEAR
GLAZING

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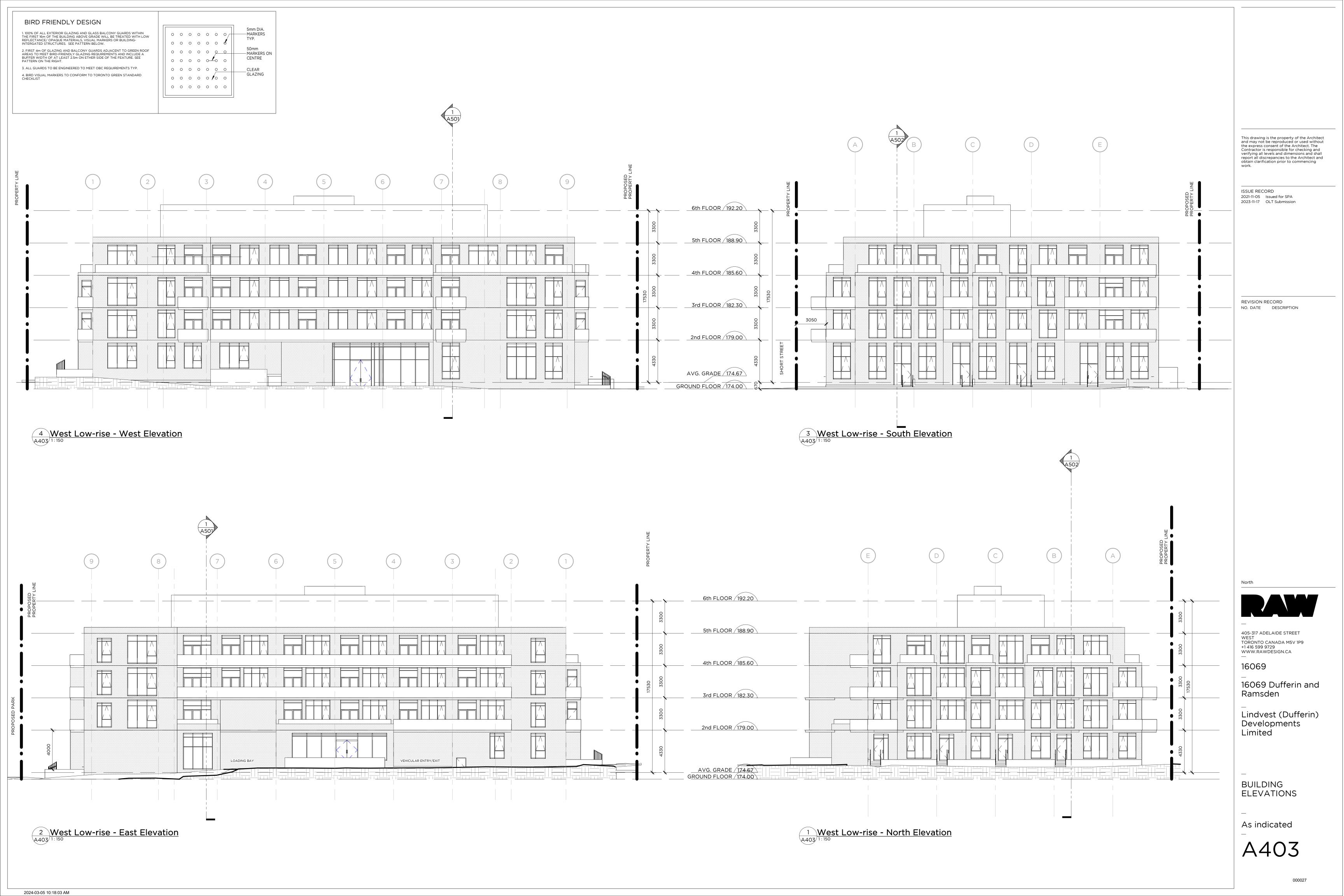
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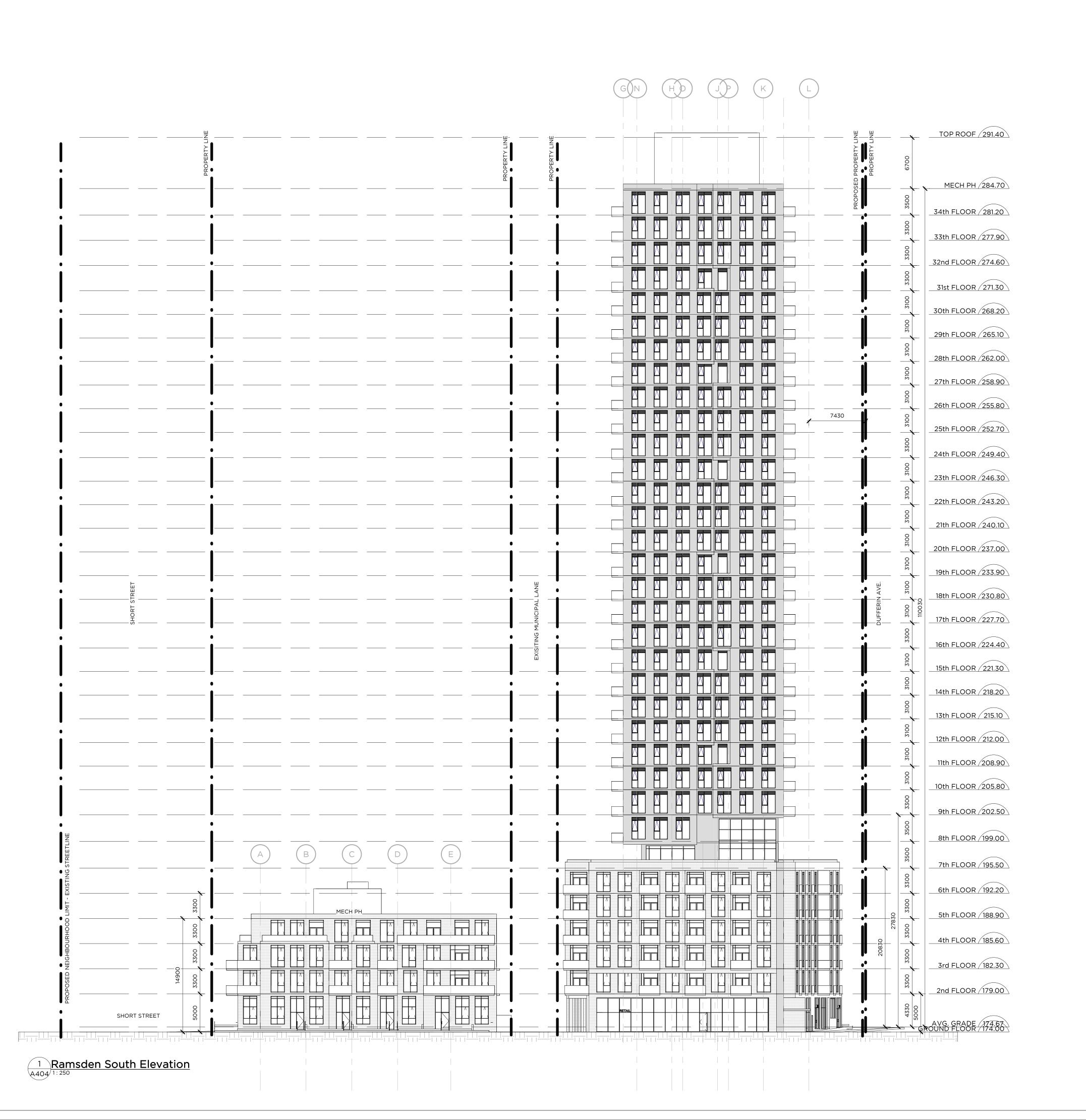
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-BUILDING ELEVATIONS

As indicated





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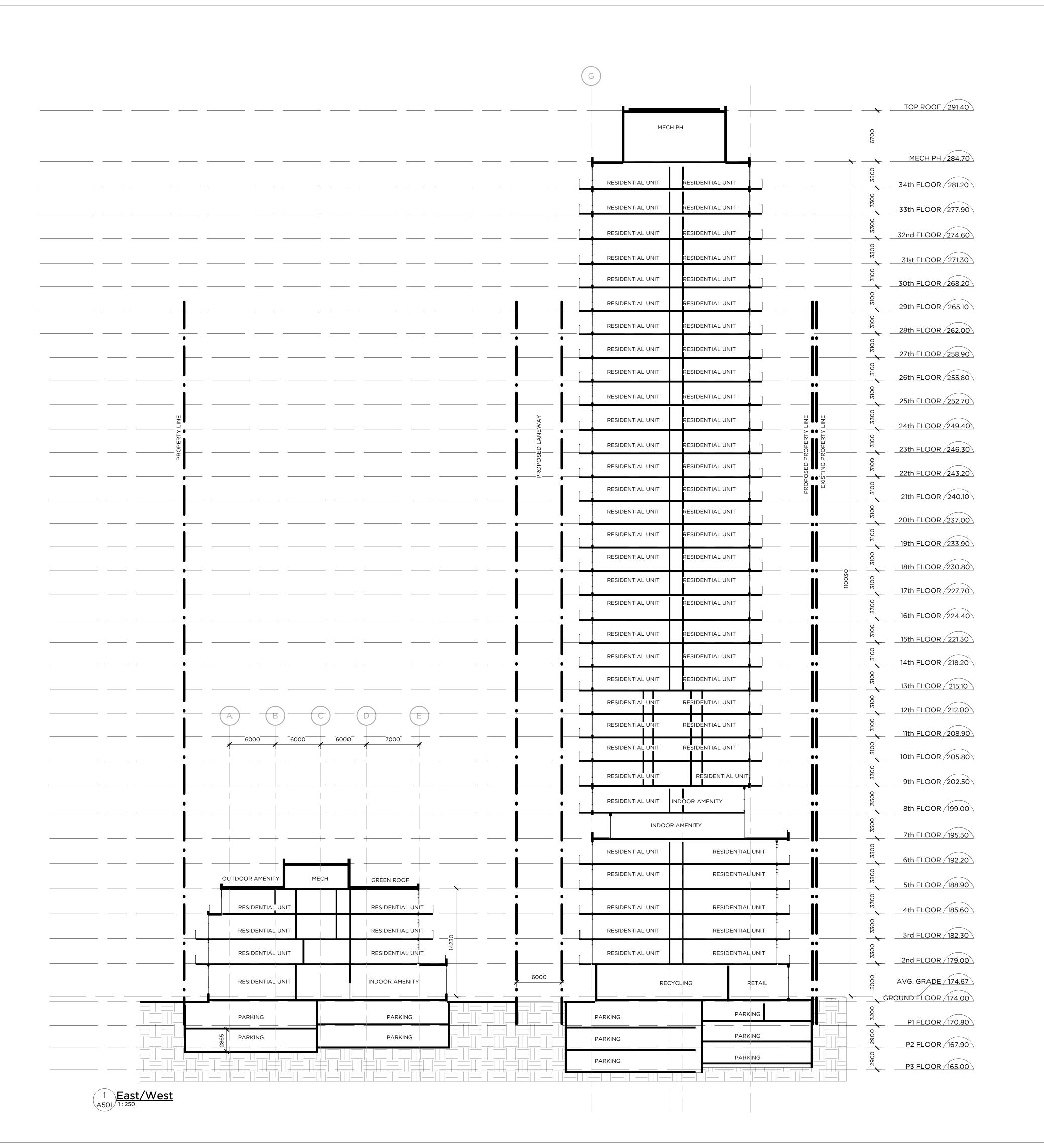
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-BUILDING ELEVATIONS

1:250



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BUILDING SECTIONS

1: 250

## Attachment 2

