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May 2, 2024

VIA EMAIL

Laura Bisset and Michelle LaFortune
Solicitors, Planning & Administrative Tribunal Law
City of Toronto, Legal Services Division
Metro Hall, 26th Floor
55 John Street
Toronto, ON M5V 3C6

Dear Ms. Bisset and Ms. LaFortune:

RE: 673 Warden Avenue, Toronto
Ontario Land Tribunal Case Nos. OLT-23-000553 & OLT-23-00054
Zoning By-law Amendment Application (City File No. 22 203398 ESC 20 OZ)
Site Plan Approval Application (City File No. 22 203397 ESC 20 SA)

WITH PREJUDICE OFFER TO SETTLE

We are the lawyers for 673 Warden Realty Holdings Inc. ("**673 Warden**"), the owner of the lands municipally known as 673 Warden Avenue (the "**Property**").

This letter constitutes our client's offer to settle the above-noted appeals currently before the Ontario Land Tribunal (the "**Tribunal**" or "**OLT**").

BACKGROUND

On September 7, 2022, our client submitted applications for a Zoning By-Law Amendment and Site Plan Approval (together, the "**Applications**") to facilitate the redevelopment of the Property with a 15-storey mixed-use building containing 274 residential dwelling units, an additional floor of rooftop amenity space, retail uses on the ground floor and 148 underground parking spaces (the "**Original Proposal**"). The Applications were deemed complete as of September 14, 2022.

673 Warden subsequently appealed the Applications to the Tribunal on May 1, 2023 on the basis of City Council's failure to make a decision within the legislated timeframes (the "**Appeals**"). Since that time, our client and the City have continued discussions in an attempt to resolve the Appeals.

Site Description & Planning Context

The Property is located on the northeast corner of Warden Avenue and Bell Estate Road, approximately 760 metres south of St. Clair Avenue East. The Property is approximately 2,753 square metres with frontages of approximately 70 metres along Warden Avenue and 33.59 metres along Bell Estate Road. The Property is currently improved with a 1-storey commercial building and related surface parking lot.

The Property also contains two easements located at the southern portion of the lot. The first easement is used for the City to operate a stormwater sewer, and the second is used for vehicular and pedestrian passage, which is shared with the nursing home to the east. A portion of the stormwater sewer easement is inoperable and is proposed to be removed through the redevelopment of the Property.

The Property is excellently served by existing bus services and higher-order transit and is within walking distance of various TTC bus stops operating along Warden and St. Clair Avenue East. A TTC bus stop is also located immediately adjacent to the proposed entrance for the proposed development on Warden Avenue. The Property's proximity to the Warden TTC Subway Station locates it within the delineated boundary of the Warden Protected Major Transit Station Area (the "**Warden PMTSA**"), as identified under Official Plan Amendment No. 570, a location where residential intensification is desirable and anticipated.

The Property is currently zoned as "Commercial-Residential (CR)" by the former City of Scarborough By-law No. 24982, as amended, which permits commercial-institutional uses on a site-specific basis. The Property is not subject to City-wide Zoning By-law No. 569-2013.

SETTLEMENT PROPOSAL

Our client is offering to settle the Appeals through revisions to the Original Proposal in accordance with, and as demonstrated on, the enclosed architectural plans and drawings prepared by Arcadis dated March 12, 2024 (the "**Settlement Proposal**").

The Settlement Proposal will permit the redevelopment of the Property in accordance with the following principles:

1. The proposed building has been revised from a tall mid-rise to a tall building typology that respects City guidelines for this built form type.
2. A new 27-storey mixed-use building with a 6-storey podium, a total gross floor area (GFA) of approximately 21,804 metres square, including 243 square metres of retail GFA located on the ground floor and indoor amenity spaces on the ground floor, mezzanine level and the 7th floor with total area of 628 square meters. The resulting total building height is approximately 97 metres, inclusive of the mechanical penthouse. The proposed development also provides 628 square meters of outdoor amenity spaces to meet the requirement for a minimum of 2 square meters of indoor and 2 square meters of outdoor amenity spaces per residential unit. The new mixed-use building would have a tower floorplate of 750 square metres gross construction area (GCA).
3. The new mixed-use building would have a total residential GFA of approximately 21,560 square metres comprised of approximately 314 dwelling units. A residential unit mix of at least 10% three-bedroom units and 15% two-bedroom units will be provided, consistent with the provisions contained in the City's Growing Up Guidelines.
4. The retail gross floor area has been enlarged and reconfigured on the southwest corner of the new building, providing an opportunity to interact with not only the Warden frontage but also the newly landscaped area currently occupied by the existing easement.

5. The building footprint has been reconfigured to increase the building setbacks along the north and west boundaries of the Property to 5.5 metres and 4.5 metres, respectively. The building is also setback 12.4 metres from the southern property line and 5.5 metres from the eastern property line, save and except for the covered portion of the underground parking ramp located on the east side of the Property. The tower has a step back from the face of the podium of 7 metres to the north, 4.5 metres to the face of the tower and 3 metres to the balconies to the west, 3 metres to the east and 8 metres to the south.
6. The existing easement area which runs along the south of the Property will be landscaped in addition to the outdoor amenity space set out above. The landscaped easement area will function as a greater setback of the new building from the low-rise townhouse development located south of the Property, opposite Bell Estate Road.
7. The objectives contained in the Toronto Green Standards (TGS) will be met including 100% required Total Soil Volume. A TGS statistics template and checklist will be provided along with required charts and drawings.
8. Parking will be provided in 3 levels of underground parking, which will contain approximately 148 parking spaces, including 17 visitor parking spaces, and approximately 237 bicycle parking spaces.

We respectfully submit that the Settlement Proposal is responsive to the City's comments on the Original Proposal and represents an appropriate form of development and intensification which optimizes the use of land and existing infrastructure, including higher-order transit services.

IMPLEMENTATION

The Settlement Proposal is being submitted in accordance with the requirements of the OLT Procedural Order and is not being submitted on a confidential basis. Our client intends to proceed at the OLT hearing based on the Settlement Proposal.

We understand that this offer to settle will inform a Request for Direction Report from the City Solicitor to City Council and will be considered at its meeting commencing May 22, 2024. Should the Settlement Proposal be accepted by City Council, our client agrees to provide planning evidence in support of the development at the OLT hearing. The City and our client further agree to jointly request, in the event of the approval of the proposed development, that the Tribunal withhold its final order until such time as the following conditions are satisfied:

1. The proposed Zoning By-law Amendment is of a final content and form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
2. The Owner has:
 - a. submitted a revised Functional Servicing Report, Stormwater Management Report, and Hydrogeological Review, including the Foundation Drainage Report or addendums (the "**Engineering Reports**"), to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;

- b. secured the design and provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water;
- c. submitted a revised full Landscape drawing set including Soil Volume Plans and Chart to address compliance with the Toronto Green Standard, including the parts of the ecology section, which pertain to existing and proposed trees and soil volume requirements, as well as Manufacturer specific soil cell layouts, sections and specifications (stamped by a licensed professional Civil Engineer and Structural Engineer in the Province of Ontario warranting that the product as proposed satisfied all City of Toronto loading requirements), all acceptable and satisfactory to the General Manager, Parks, Forestry and Recreation;
- d. submitted an updated complete Toronto Green Standards (TGS) Checklist and Statistics Template, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- e. submitted a Compatibility and Mitigation Study for Air Quality, Dust, Odour, Noise and Vibration, that is peer reviewed by a qualified third-party consultant retained by the City of Toronto, at the Owner's expense, to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- f. submitted an updated Wind Tunnel Study to the satisfaction of the Chief Planner and Executive Director, City Planning, with any required wind mitigation measures to be secured through the Site Plan approval process.

If it is determined that upgrades to existing infrastructure are required, as identified in the accepted Engineering Reports or the accepted Transportation Impact Study, our client is prepared to consider whether the inclusion of a Holding provision (H) in the final form of the proposed Zoning By-law Amendment would be appropriate to the extent that such requirements could not be satisfactorily addressed through the pre-conditions above or the site plan approval process.

In support of the Settlement Proposal, we enclose the following:

- 1. the Architectural Plans and Drawings prepared by Arcadis, dated May 1, 2024;
- 2. 3D Sketchup Model prepared by Arcadis;
- 3. Toronto Green Standard Version 4 – Mid to High Rise Residential Checklist;
- 4. Toronto Green Standard Version 4 Statistics Template;
- 5. a Shadow Study prepared by Arcadis, dated March 20, 2024;
- 6. Landscape Plans prepared by LandArt, dated April 16, 2024; and
- 7. a Draft Zoning By-law Amendment.

Additionally, our client agrees to jointly request with the City that the appeal of its Site Plan Approval application continue to be held in abeyance to allow for a future resubmission to be

made, which incorporates the changes set out in the Settlement Proposal. In response to comments received from City Staff, and as part of the Site Plan Approval process:

1. the short-term parking visitor spaces have been relocated along the southeast face of the building. Our client will continue to work with staff to explore opportunities to landscape the area previously used as surface parking.
2. The gas meter and hydro box are presently located in a visible, public realm location. Our client will continue to work with staff to explore alternative locations and/or screening for these utilities, subject to comments received from the appropriate utility authorities, including Toronto Hydro.
3. The following documents and drawings will be provided as part of a Site Plan resubmission:
 - a. Public Utilities Plan to provide utility data to Quality Level A (QL-A); and
 - b. Typical Streetscape cross sections for Warden Avenue and Bell Estate Road including above and below grade utility information based on QL-A information.

Should you require anything further with respect to this correspondence or the attached materials, please contact the undersigned and Justine Reyes (jreyes@overlandllp.ca).

Yours truly,

Overland LLP



Per: Christopher J. Tanzola
Partner

Encl.