CC23.6 - CONFIDENTIAL APPENDIX "A" Part 1 - made public on November 22, 2024

Goodmans

Barristers & Solicitors

Bay Adelaide Centre, West Tower 333 Bay Street, Suite 3400 Toronto, Ontario M5H 2S7

Telephone: 416.979.2211 Facsimile: 416.979.1234 goodmans.ca

Direct Line: 416.597.5929 abenedetti@goodmans.ca

October 22, 2024

Our File No.: 231489

VIA EMAIL

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

Attention: Sara Amini, City Legal Services

Dear Ms. Amini,

Re: Without Prejudice: Settlement Proposal

Application Nos: 20 153975 NNY 08 OZ

Appeal of Official Plan and Zoning By-law Amendment

OLT File Nos.: OLT-23-001322

272, 284, 286, 288, 290, & 296 Lawrence Avenue West and 1507, 1525, 1537, 1539,

1545, & 1549 Avenue Road

We are solicitors for First Capital Holdings (Ontario) Corporation ("**First Capital**"), the owners of the properties known municipally in the City of Toronto (the "**City**") as 272, 284, 286, 288, 290, & 296 Lawrence Avenue West and 1507, 1525, 1537, 1539, 1545, & 1549 Avenue Road (the "**Subject Site**"). First Capital has appealed its site specific applications to amend the City of Toronto Official Plan, Zoning By-law 569-2013 and City of North York Zoning By-law 7625 (the "**OPA and ZBA Applications**") to the Ontario Land Tribunal (the "**OLT**").

The OPA and ZBA Applications were the subject of a productive mediation process that resulted in specific adjustments to the proposed development. We are hereby writing to provide the City with a resulting Without Prejudice Settlement Offer from First Capital (the "First Capital Settlement Offer"), which we ask you to submit to City Council on November 13, 2024. Our client greatly appreciates the efforts of City staff in achieving this proposed settlement.

Background:

First Capital has worked with City Staff and local stakeholders on the OPA and ZBA Applications for over four (4) years. During that time, First Capital assembled additional lands to address comments received. First Capital initially filed Official Plan and Zoning By-law Amendment applications in 2020 to permit the redevelopment of a portion of the Subject Site with two mixed-use buildings, 10- and 13-storeys in height, as well as a new private road and privately owned,

publicly accessible open space (the "Initial Proposal"). The City declared the Initial Submission completed as of July 15, 2020. An Official Plan and Zoning By-law Amendment resubmission was filed in July 2022 ("the Revised Proposal"). The Revised Proposal incorporated the property at 272 Lawrence Avenue West, which was acquired by First Capital on February 1, 2022. A second resubmission was filed in December of 2023 (the "Current Proposal"). The Current Submission incorporates the property at 1549 Avenue Road. The Current Proposal includes two mixed-use buildings at 12- and 14-storeys in height, a new public road that connects Douglas Avenue with Lawrence Avenue West, and a new public park at the southeast corner of Avenue Road and Douglas Avenue.

First Capital appealed the Official Plan and Zoning By-law Applications as amended in the Current Proposal to the Ontario Land Tribunal (the "**Tribunal**") pursuant to subsections 22(7) and 34(11) of the *Planning Act* for the failure of City Council to make a decision regarding the Applications within the applicable statutory timeline. A Tribunal Case Management Conference ("**CMC**") occurred on March 27, 2024. At that CMC, the Lytton Park Residents' Organization Inc. ("**LPRO**") and the Bedford Park Residents' Organization ("**BPRO**") were granted joint party status in the appeals and the matter was set down for a 9 day hearing commencing on April 22, 2025.

The City, LPRO, BPRO and First Capital participated in a series private mediation sessions in an effort to resolve the issues raised by City Staff, the LPRO and the BRPO in the late spring and summer of 2024. These sessions have resulted in the resolution of the City, LPRO and BPRO concerns in regard to the OPA and ZBA Applications.

In that respect, we are writing to provide the City with a Without Prejudice Settlement Offer from First Capital which we ask you to submit to City Council on November 13, 2024. If accepted, then First Capital and the City would jointly support the settlement at the OLT hearing of the OPA and ZBA Applications at a requested Settlement Hearing date prior to the commencement of the scheduled hearing dates.

The First Capital Settlement Offer and the associated Settlement Plans attached as Appendix "A" and to this confidential attachment respectively and can be summarized as follows:

- Building A is 13 storeys in height and:
 - o the at grade building setback on Avenue Road has been increased to 2.0 metres,
 - o the setback to the public park to the north has been increased to 5m; and
 - o Building A has been sculpted to remove massing from the Avenue Road frontage; and
- Building B is 14 storeys in height and:
 - o the at grade building set back at the intersection of Avenue Road and Lawrence has been increased to create a larger area for pedestrians to gather;

- o a setback has been added after the 7th storey on the Avenue Road and Lawrence Avenue West frontages; and
- o Building B has been sculpted to remove massing from the Avenue Road frontage;
- the location and cross-section of the new proposed public road connecting Douglas Avenue and Lawrence Avenue West has been fixed;
- the setback on the eastern property line of the Site to the Douglas Greenbelt lands, including the location of the public road, as reviewed by both the City and the Toronto and Region Conservation Authority, has been generally been fixed, subject to a satisfactory utilities plan including street lighting;
- two (2) traffic signals have been incorporated to support the development:
 - o one (1) at the intersection of the new proposed public road and Lawrence Avenue West and;
 - o one (1) at the intersection of Douglas Avenue and Avenue Road;
- a single Avenue Road site driveway has been incorporated with two way operation and traffic movements limited to only right turns in and right turns out on to Avenue Road;
- the location and size of the public park has been fixed at approximately 1,038.2 square metres;
- and the building set back to the public park has been increased to 5 metres which includes landscaping along the exterior of the loading space in Building A.

As noted above, this without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on November 13, 2024, unless otherwise indicated, at which point it should be considered as withdrawn if not accepted by City Council.

We would be pleased to submit any further information as required.

Yours truly,

Goodmans LLP

Anne Benedetti

Page 4 Goodmans

cc. Jennifer Arezes, First Capital Holdings (Ontario) Incorporated Marky Rykos, City of Toronto Community Planning

APPENDIX "A" To First Capital's Settlement Offer Letter

Support at the Ontario Land Tribunal ("OLT"):

- **1.1** First Capital and the City (the "**Parties**") each agree,
 - (a) to jointly support a settlement (the "**Settlement**") at the OLT Hearing of First Capital's official plan, and zoning, that would allow for their resolution upon the terms and conditions set out in the First Capital Settlement Offer, and
 - (b) to that end, either Party may file the First Capital Settlement Offer at the OLT Hearing.

Site Specific OPAs, and Zoning Amendments

- The Parties each agree to request the Tribunal approve official plan amendments, to permit the redevelopment of 272, 284, 286, 288, 290, & 296 Lawrence Avenue West and 1507, 1525, 1537, 1539, 1545, & 1549 Avenue Road (the "Subject Site") generally in accordance with the drawings attached as Appendix "B", "C" and "D" respectively to First Capital's Settlement Offer Letter with the language of the official plan amendment to incorporate the appropriate provisions that are in keeping with the Settlement and appropriate for the development of the Property.
- 1.3 The Parties each agree to request the Tribunal approve zoning by-law amendment to permit the redevelopment of the Subject Site generally in accordance with the drawings attached as Appendix "B", "C", and "D" respectively to First Capitals's Settlement Offer Letter.

Built Form and Urban Design Matters:

- 1.4 The Parties each agree that the zoning by-law amendment will incorporate the following built form and urban design matters generally as shown on the drawings attached as Appendix "B", "C", and "D" to First Capital's Settlement Offer Letter:
 - (a) the height of Building A at 13 storeys (approximately 43.35 metres) and Building B at 14 storeys (approximately 47.20 metres) generally as shown on the drawings attached as Appendix "B" respectively to First Capital's Settlement Offer Letter;
 - (b) a 5 metre setback to the proposed public park, and setbacks to Avenue Road and to Lawrence Avenue West all generally as shown on the drawings attached as Appendix "B" respectively to First Capital's Settlement Offer Letter;
 - (c) tree locations generally as shown on the drawings attached as Appendix "B" and "C" respectively to First Capital's Settlement Offer Letter, subject to changes to the location and number of trees that may occur as part of the site plan approval process;

- **1.5** Amenity Space will be provided in accordance with City of Toronto By-law 569-2013 as amended;
- 1.6 The Unit Mix for Building A and Building "B" will be provided in accordance with the City of Toronto Growing Up Urban Design Guidelines, 2020;

Parkland

1.7 First Capital will provide a public park approximately 1,038.2 square metres to be conveyed to the City prior to the issuance of the first above grade building permit for Building A (the second phase of the development) or as a component of the Plan of Subdivision Application and approval process, free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition. The remaining approximately 17.5 square metres of the parkland dedication requirement, pursuant to Section 42 of the Planning Act, shall be satisfied through a cash-in-lieu of parkland payment, which shall be made prior to the issuance of the first above grade building permit for the Subject Site;

Privately-Owned Publicly Accessible Space

1.8 First Capital will provide a Privately Owned Publicly Accessible Space ("POPS") at the location conceptually shown on the drawings attached as Appendix "B". The POPS area will be shown on the map in the zoning by-law amendment and will secured during the Site Plan Approval process.

Transportation Related Matters:

- 1.9 The Parties each agree that the following transportation related matters will be incorporated to support the redevelopment of the Subject Site and reflected in the official plan amendment and zoning by-law amendment and other directions where appropriate:
 - (a) Public Road
 - (i) a public road with a cross-section incorporating a sidewalk, and a landscaped buffer generally as shown on the drawings attached as Appendix "B" and "C" respectively to First Capital's Settlement Offer Letter:
 - (b) Traffic Signals

- (i) two (2) traffic signals at the expense of the owner, one at the intersection of the new proposed public road and Lawrence Avenue West opposite Rosewell Avenue and another at the intersection of Douglas Avenue and Avenue Road generally as shown on the drawings attached as Appendix "B" to First Capital's Settlement Offer Letter with the design details of the proposed signals to be confirmed through the appropriate engineering design process;
- (c) Private Driveway with Access to Avenue Road:
 - (i) one (1) Avenue Road site access driveway with two way operation, layby parking, landscape features, and traffic movements limited to right in and right out access to Avenue Road generally as shown on the drawings attached as Appendix "B" respectively to First Capital's Settlement Offer;
- (d) Parking and Loading:
 - (i) Parking provided in accordance with By-law 569-2013 as amended; and
 - (ii) Loading provided generally as shown on the drawings attached as Appendix "B" respectively to First Capital's Settlement Offer;
- (e) Pick Up and Drop Off:
 - (i) A pick up and drop off area in Building B generally as shown on the drawings attached as Appendix "B" respectively to First Capital's Settlement Offer;
- (f) The Parties agree that all other transportation related matter pertaining to the official plan and zoning by-law amendment have been appropriately addressed and no further transportation studies are required prior to the approval of these instruments;

Setback Requirements from the Douglas Greenbelt Lands:

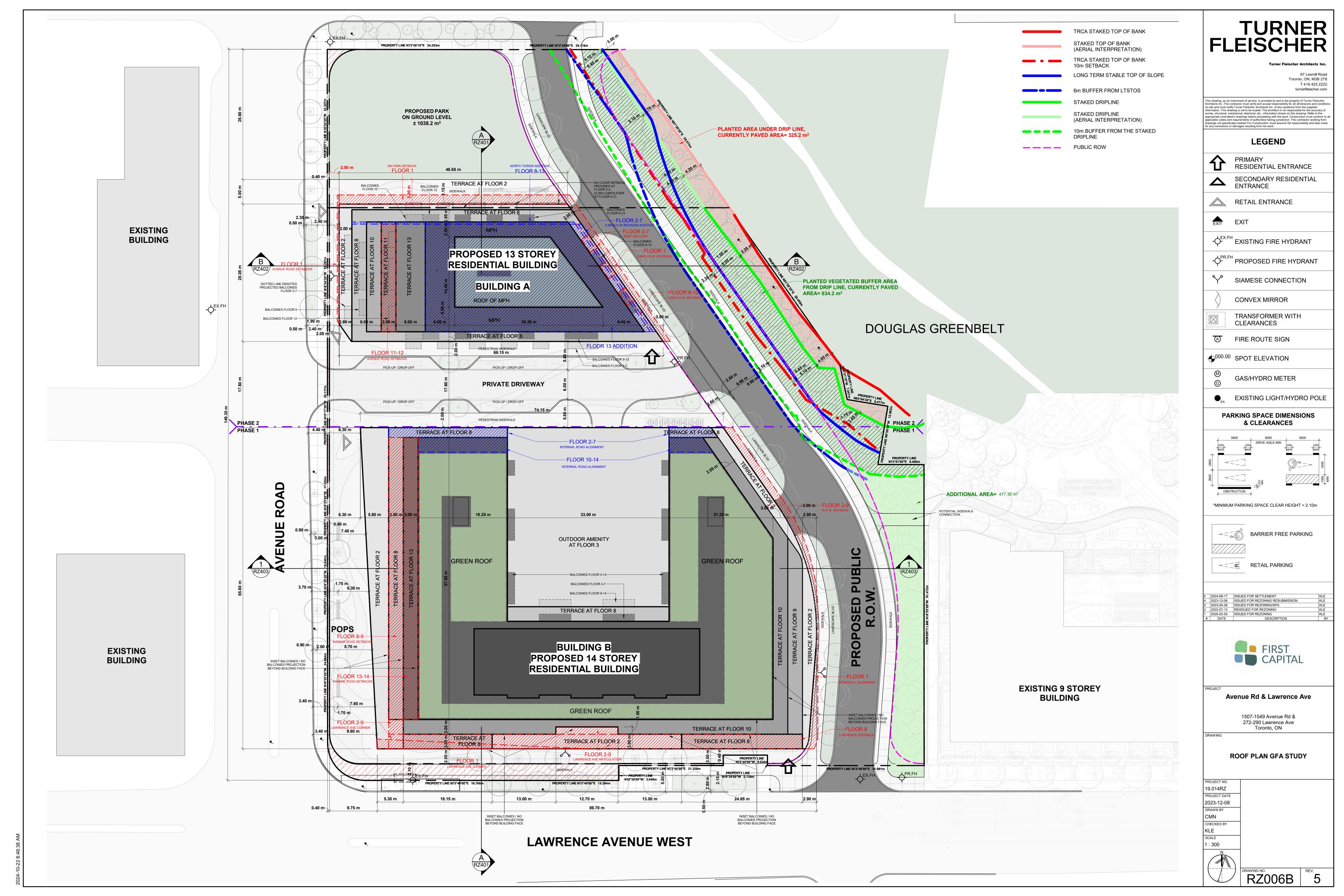
The Parties each agree that the setbacks and ecological buffers to the Douglas Greenbelt Lands, including the location of the proposed sidewalk and proposed public road are appropriate, generally as shown on the drawings attached as Appendix "B" and "D" respectively to First Capital's Settlement Offer and will be incorporated into the proposed zoning by-law;

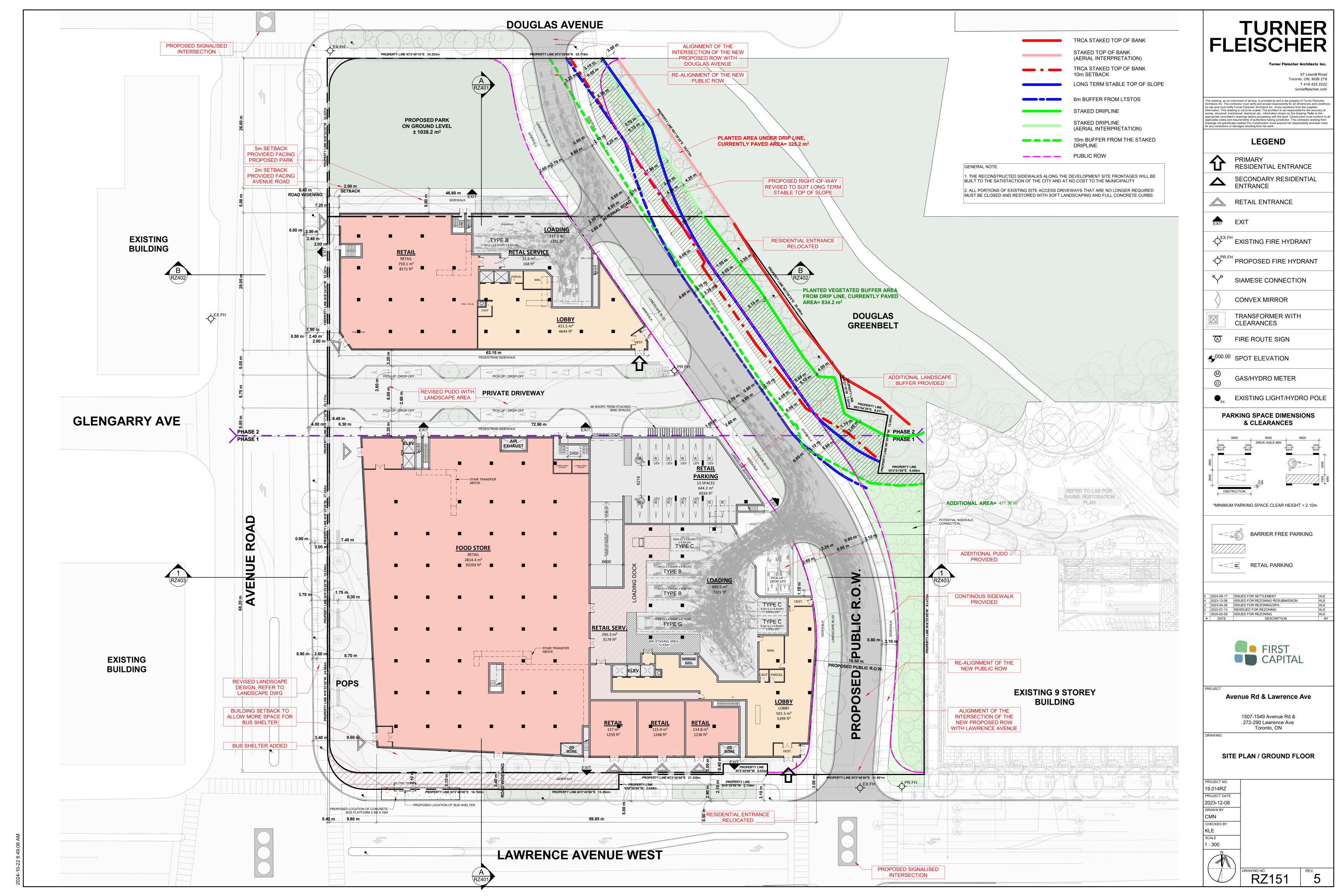
Order to be withheld

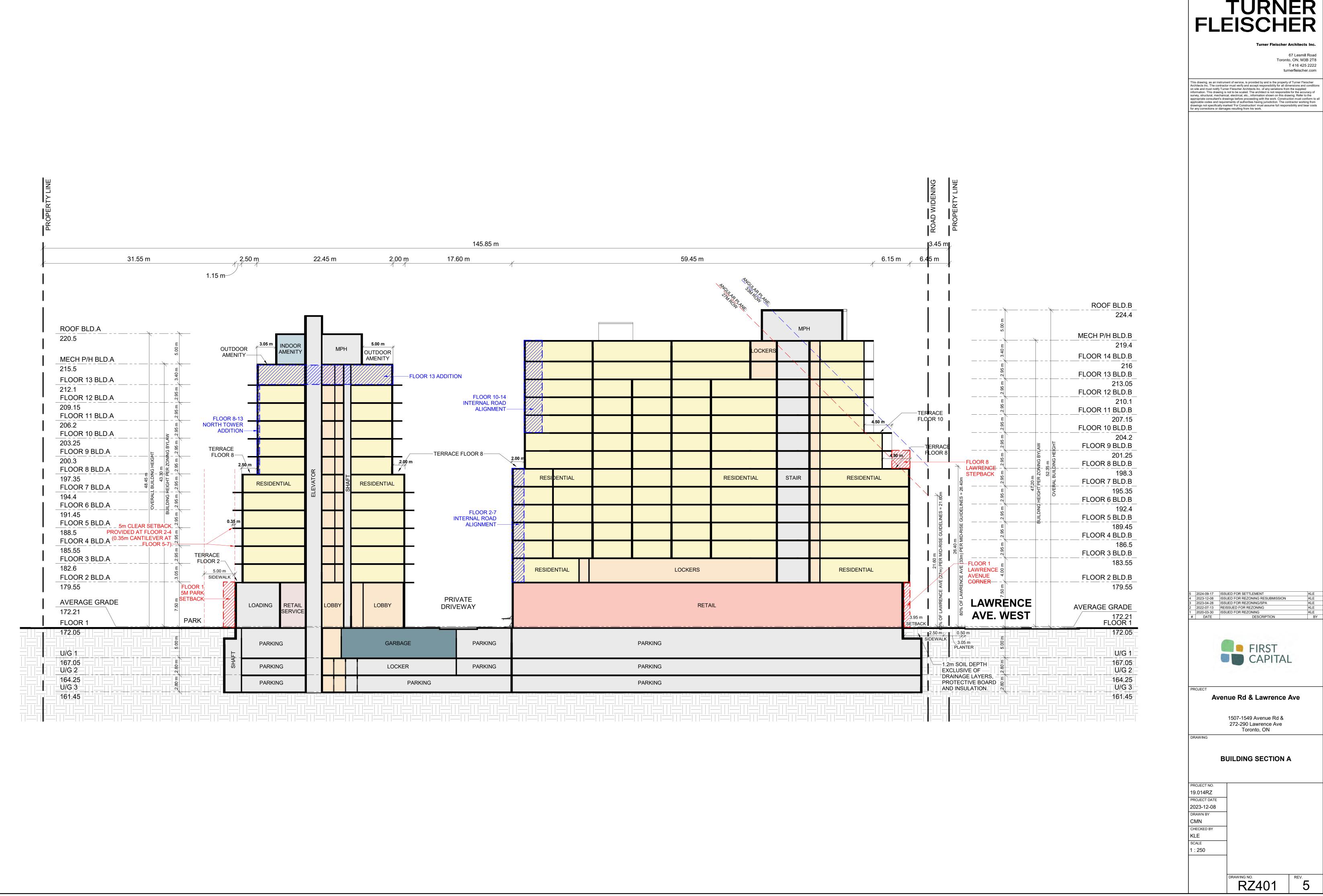
1.11 The Parties also agree to request the Tribunal withhold its order approving the official plan amendment until the Tribunal is advised by legal counsel for the City that:

- a. the final form and content of the draft Official Plan Amendment and Zoning Bylaw amendments are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
- b. City Council has approved the Rental Housing Demolition Application 20 153985 NNY 08 RH in accordance with Chapter 667 of the Toronto Municipal Code, pursuant to Section 111 of the City of Toronto Act, 2006, to permit the demolition of the fifteen (15) existing rental dwelling units at 284 Lawrence Avenue West, and the owner has entered into, and registered on title to the lands, one or more agreements with the City, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, securing all rental housing-related matters necessary to implement City Council's decision including:
 - 1. replacement of the existing 15 rental housing units, including the same number of units, bedroom type and size and with similar rents; and
 - 2. an acceptable Tenant Relocation and Assistance Plan addressing the right for existing tenants to return to a replacement rental unit on the lands at similar rents, the provision of rent gap assistance, and other assistance to lessen hardship, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
- c. the owner has submitted updated sun / shadow and pedestrian level wind studies, including the identification of any required mitigation measures to be secured in the zoning by-law amendment and through the site plan process to the satisfaction of the Chief Planner and Executive Director, City Planning;
- e. the owner has submitted to the Chief Engineer and Executive Director, Engineering and Construction Services, for review and acceptance, a Functional Servicing Report to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development;
- f. the owner has made satisfactory arrangements with Engineering and Construction Services and enter into a financially secured agreement with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the accepted Functional Servicing Report accepted by the Chief Engineer and Executive Director, Engineering and Construction Services; and
- g. the owner has submitted a complete application for a Plan of Subdivision to the satisfaction of the Chief Planner and Executive Director, City Planning.

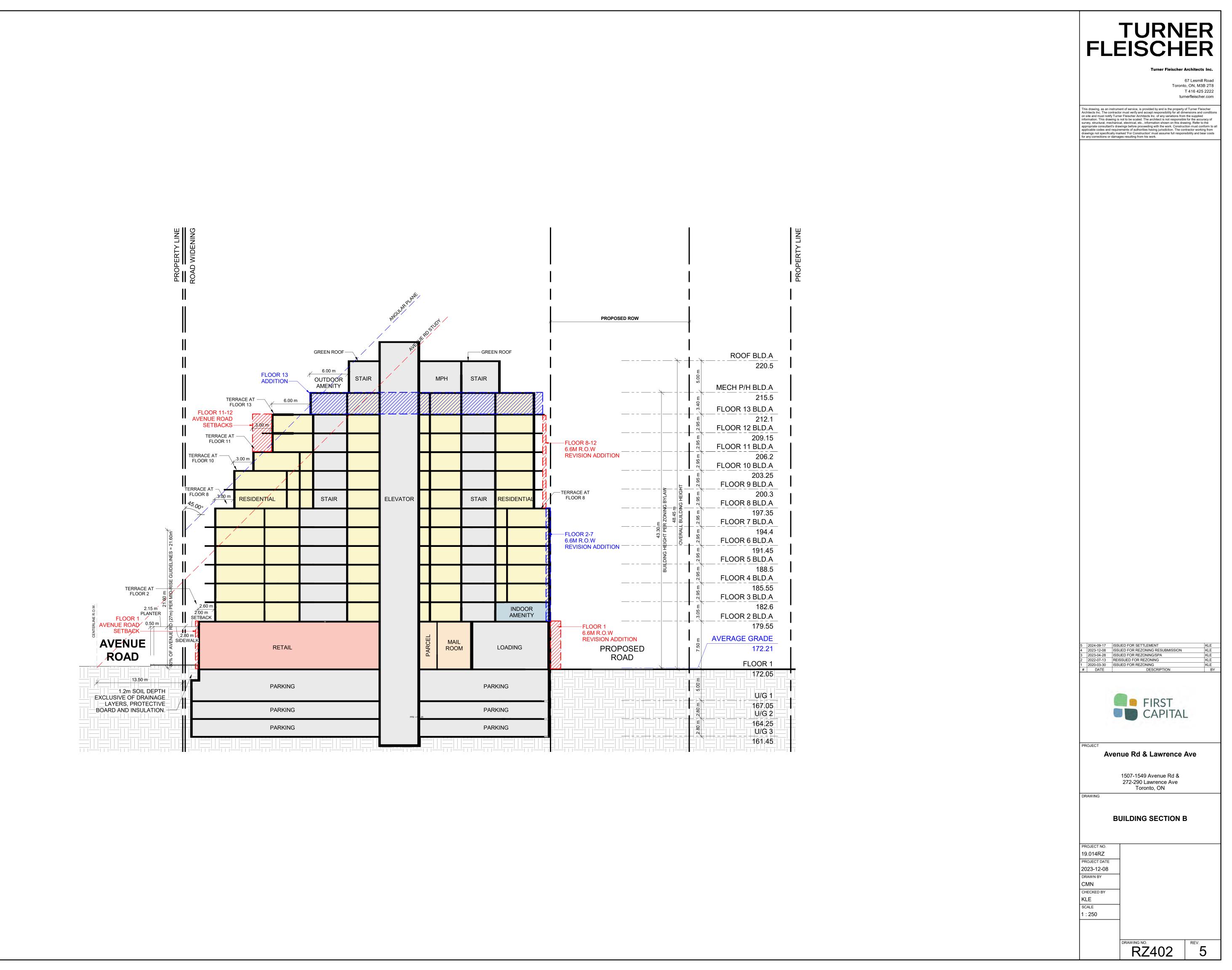
APPENDIX "B" To First Capital's Settlement Offer Letter

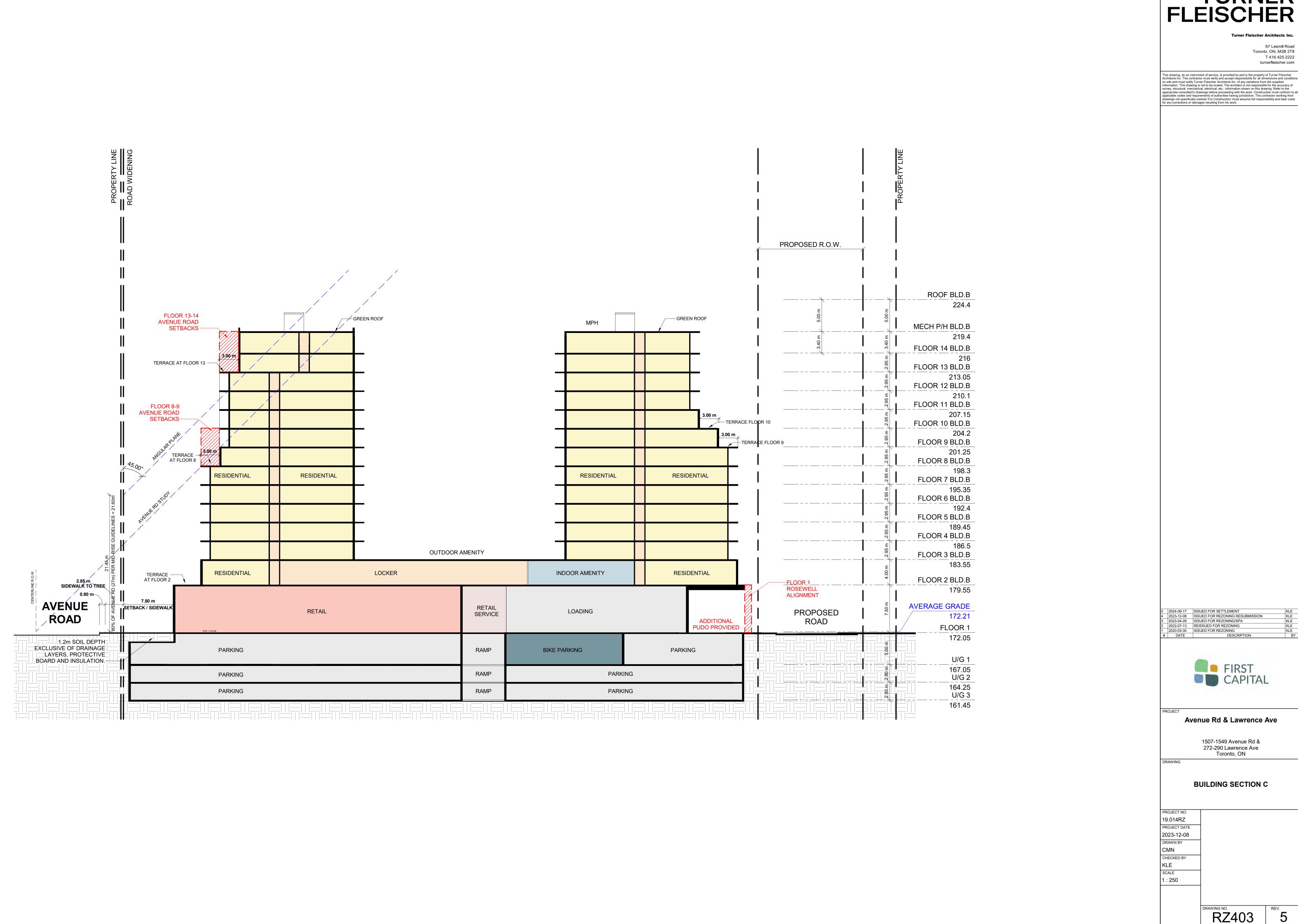






TURNER FLEISCHER

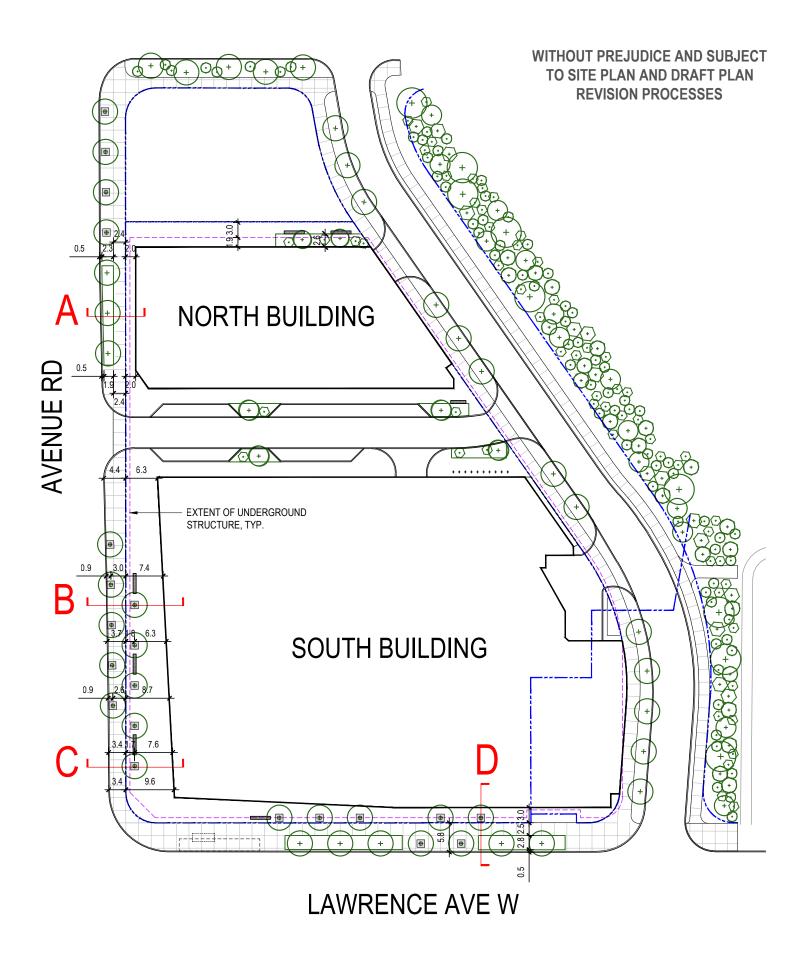


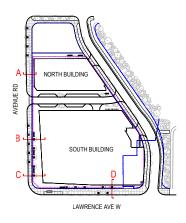


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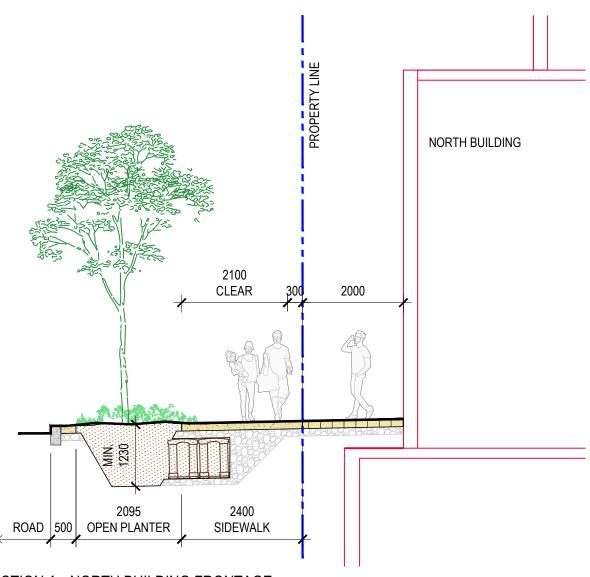
RZ403

APPENDIX "C" To First Capital's Settlement Offer Letter



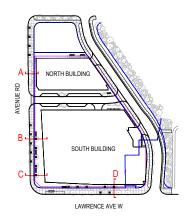


KEYPLAN

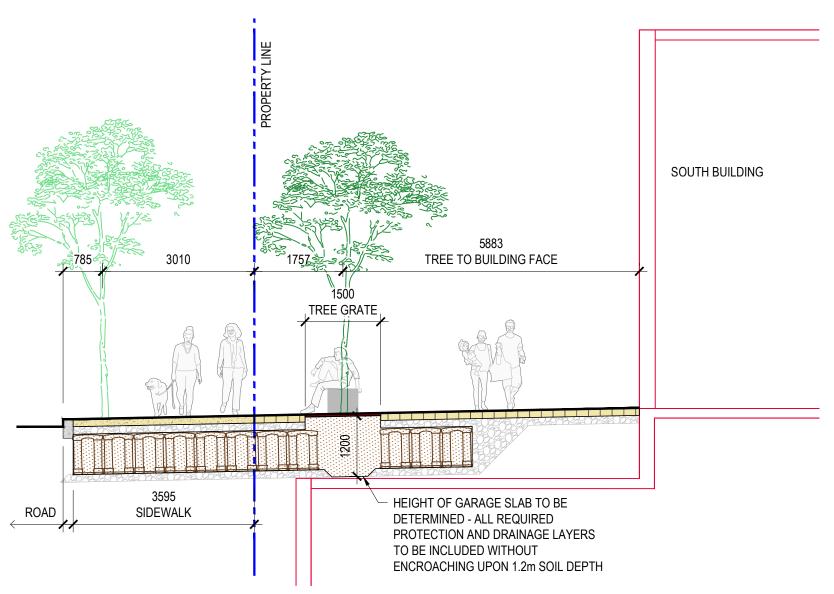


SECTION A - NORTH BUILDING FRONTAGE

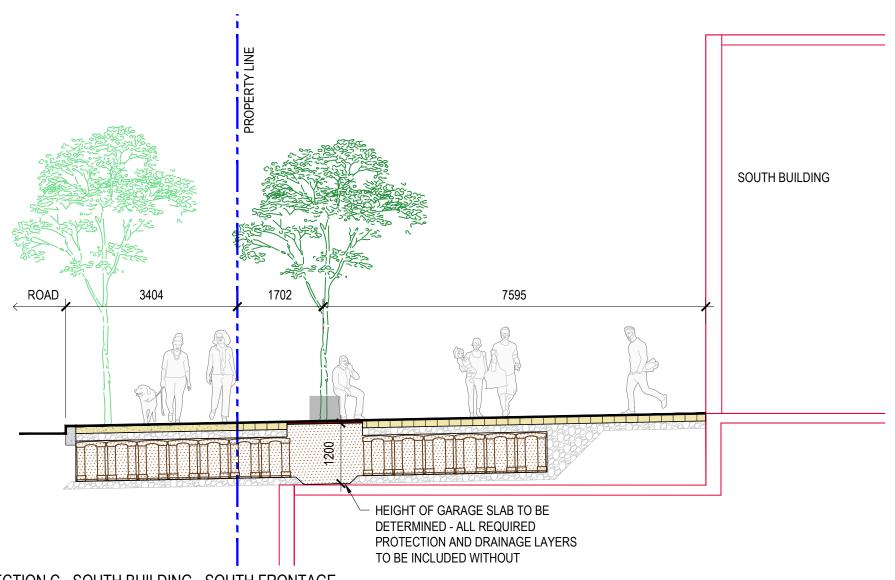
AVENUE & LAWRENCE
CONCEPTUAL SITE SECTIONS



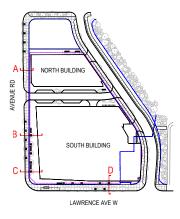
KEYPLAN



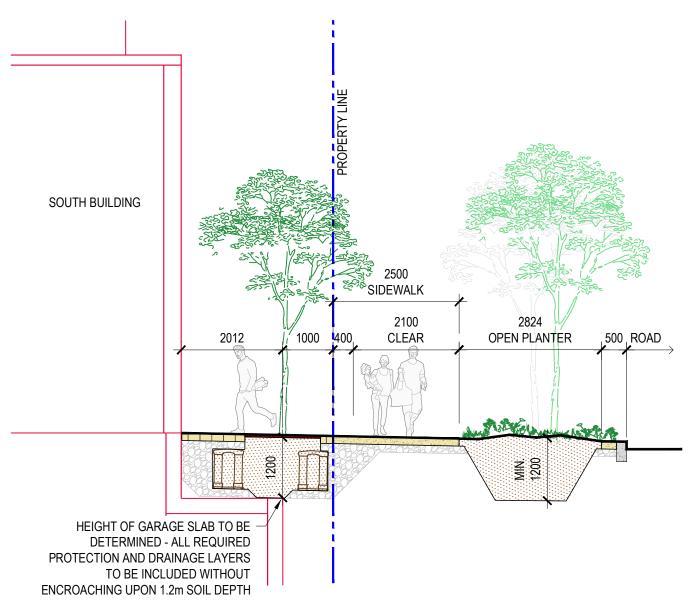
SECTION B - SOUTH BUILDING - NORTH FRONTAGE



SECTION C - SOUTH BUILDING - SOUTH FRONTAGE



KEYPLAN



SECTION D - SOUTH BUILDING - LAWRENCE AVE FRONTAGE

AVENUE & LAWRENCE SCALE 1:75

APPENDIX "D" To First Capital's Settlement Offer Letter

