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June 18, 2020

Our File No.: 162810

WITHOUT PREJUDICE

Via Email

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

Attention: Nathan Muscat/Cigdem Iltan

Dear Sirs/Mesdames:

**Re: LPAT Case No. PL180306 – 2450 Victoria Park Avenue
Without Prejudice Offer to Settle**

We are solicitors for 2450 Victoria Park Avenue Inc., the owner of the lands known municipally in the City of Toronto as 2450 Victoria Park Avenue (the “**Property**”). We are writing on behalf of our client with a without prejudice settlement offer in respect of the above-noted matter. This settlement offer would remain open until the end of the City council meeting scheduled to commence on June 29, 2020. We would also suggest that the exchange of witness statements be timed to occur after this meeting of City council.

As you know, our client has engaged in discussions with City staff over the last several months regarding the redevelopment proposal for the Property. These discussion have resulted in revised plans, dated June 11, 2020 and prepared by gh3* (the “**Revised Plans**”).

The terms of this without prejudice settlement offer are as follows:

1. The settlement offer is based on the Revised Plans, which would be implemented through the resulting zoning by-law.
2. The Revised Plans show a public park of 2,850 square metres, to be dedicated to the City in the southwest portion of the Property. The public park would be conveyed to the City in accordance with the City’s Policy for Accepting Potentially Contaminated Lands and constructed to base park conditions, prior to the earlier of:
 - (1) above grade building permit for the last building on the Property;

- (2) registration of the first Description for any condominium under the Condominium Act for any building on the Property; and,
- (3) prior to occupancy of any building on the Property.

and in any event no later than three years after the first above-grade building permit for any building on the Property.

- 3. In addition, our client would agree to undertake above base park improvements, subject to City Council authorizing the standard and corresponding credit in development charges. Our client would also agree to accept the registration of a Section 118 restriction against the public park. Our client agrees that the terms of the parks conveyance will be secured in the Section 37 agreement as a legal convenience, as a matter required to support the development of the Property.
- 4. An 18.5 meter wide east/west public road is shown in the central portion of the Property, over top of the existing 15 meter wide easement currently in favour of the City (the “**Road**”). The creation the Road, and its ultimate connection to Victoria Park Avenue, will be determined by a separate process involving the City and the Ministry of Transportation. Our client is prepared to facilitate this potential connection by agreeing to convey these lands to the City, as part of this settlement, with obligations and timing for conveyance and construction to be determined through an application for draft plan of subdivision for the Property.
- 5. The connection road concept drawing in the Revised Plans shows the east and west portions of the Road. The west portion of the Road will be designed and constructed to municipal standards by the Owner a 18.5 meter wide local street. The east portion of the Road, shown hatched on the sketch included with the Revised Plans, would be conveyed to the City, but reserved for future road construction, at the City’s cost and responsibility, depending on whether the City can secure a connection to Victoria Park Avenue, in an interim condition acceptable to our client and the City (likely grass/open space), at our client’s sole cost and expense. In addition, our client would agree to provide an easement, in a form acceptable to and at no cost to the City, over the privately-owned portion of the “turning loop” to permit circulation of City-owned vehicles until such time as the Road is extended by the City to Victoria Park Avenue and the turning loop is removed by the City. To be clear, there would be no holding provision in the resulting zoning by-law amendment that would need to be removed prior to redevelopment of the Property in accordance with the Revised Plans.
- 6. As shown on the Revised Plans, the resulting north block would redevelop with two towers of 20 and 28 storeys, on top of a six storey podium adjacent to all existing public streets, which all comply with the angular plane requirements of the Secondary Plan. A driveway access to the north block would travel in a north/south

direction from the new east/west potential road in between the towers, although it would not connect with Consumers Road. A large, private open space would occupy the southern central portion of the north block, as surrounded by the driveway and new east/west road. The buildings would both have lobby access from a public street.

7. Also as shown on the Revised Plans, the south block accommodates the request from City staff for a 20 meter setback from the south lot line. This built form includes a 11 storey mid-rise building facing Victoria Park Avenue, with a base podium of 6 storeys, and a tall building (24 storeys) in the northwest portion of the southern block, with a base podium of 4 storeys. Private open space is provided on the southern block, in the central and southern portions of this block. The buildings would both have lobby access from a public street.
8. The private open space mentioned in paragraphs 5 and 6 above would include privately opened publicly-accessible space (POPS). The southerly POPS would have a minimum width of 8.0 metres to allow for a 4.0 metre wide walkway and 2.0 metres of planting on either side. The northerly POPS would have a minimum width of 3.0 metres as a walkway.
9. The overall density for the Property would be 3.5 FSI, as defined pursuant to Zoning By-law No. 569-2013, with this being a gross density as measured across the Property as it exists today and before any conveyances or potential conveyances to the City.
10. Non-residential replacement is provided at 80% of the existing non-residential gross floor area on the Property (approximately 6,203 square metres or 66,764 square feet). The replacement non-residential gross floor area would be secured in both the implementing zoning by-law(s) and the Section 37 agreement. In particular, the non-residential gross floor area would be provided prior to or concurrent with the provision of residential gross floor area
11. Our client is proposing a child care facility for 62 children on the ground floor of Building D, with a resulting gross floor area of approximately 929 square metres (10,000 square feet) and an accompanying outdoor play area of 279 square metres (3,000 square feet). As part of this settlement, the implementing zoning by-law would allow the daycare to form part of the replacement non-residential gross floor area, but not count towards the overall gross floor area permitted on the Property. The provision of the child care facility would be provided as part of our client's Section 37 contribution and in accordance with the City's 2016 Child Care Development Guidelines, including the provision of \$180,000.00 for start-up operating costs and equipment costs and \$150,000 for a replacement reserve funds.

12. The Revised Plans include Building D, which would be constructed and maintained as purpose built rental housing, with our client proposing to seek Open Door funding, which if secured, would ensure the provision of 20% of the units within Building D being provided as “affordable” rental units.
13. The zoning by-law amendment would secure a minimum of 30% of the total number as 2-bedroom units (with a minimum 10% of these having a minimum size of 87 m² of gross floor area) and a minimum of 10% of the total number as 3-bedroom units (with a minimum of 25% of these having a minimum size of 100 m² of gross floor area).
14. The zoning by-law amendment would include a blended parking ratio of 0.75, subject to the provision of the TDM measures to the satisfaction of City staff.
15. As part of this settlement, our client would agree to fund the signalization of the intersection of Hallcrown Place and Consumers Road and a designated left turn lane on Hallcrown Place.
16. In addition to the provision of the child care facility as outlined above, our client would agree to provide an additional Section 37 contribution in the form of an indexed cash contribution of \$3,000,000.00 to be used towards public art, streetscape improvements, affordable housing and/or multi-purpose community agency space.

As part of accepting this without prejudice settlement offer, City Council would direct the City Solicitor, and other appropriate staff, to attend before the Local Planning Appeal Tribunal in support of the settlement and to prepare any required official plan amendment and/or zoning by-law amendment(s) for approval by the Local Planning Appeal Tribunal, with any final order withheld pending:

- the City solicitor confirming that any required official plan amendment and/or zoning by-law amendment(s) are in satisfactory final form and content;
- submission of an updated Functional Servicing Report, including conformation of water and fire flow, sanitary and storm water capacity, and a Stormwater Management Report and Hydrogeological Report (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;
- secure the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or new 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, should it be determined that improvements or upgrades and/or new infrastructure are required to support the development and such

- matters may be secured through the Draft Plan of Subdivision process, satisfactory to the Chief Planner and Executive Director, City Planning, Chief Engineer and Executive Director, Engineering and Construction Services and City Solicitor;
- made satisfactory arrangements with Chief Engineer and Executive Director, Engineering and Construction Services for the construction of new infrastructure or any improvements to the existing municipal infrastructure, should it be determined that new infrastructure and/or upgrades/improvements are required to the existing infrastructure, to support this development, and that the applicant has entered into a financially secured agreement to pay for and construct any necessary municipal infrastructure;
 - submitted a revised Traffic Impact Study and Traffic Demand Management Memorandum acceptable to, and to the satisfaction of, the General Manager, Transportation Services and that such matters arising from such study be secured, if required, all to the satisfaction of the City;
 - submitted a revised Pedestrian Wind Study acceptable to, and to the satisfaction of, the Chief Planner and Executive Director, City Planning and that such matters arising from such study be secured, if required, all to the satisfaction of the City;
 - a peer review of the submitted Environmental Noise Assessment Report has been undertaken, at the expense of the applicant, to the satisfaction of the Chief Planner and Executive Director, City Planning, and any recommended mitigation measures are included in the amending by-laws and/or Section 37 Agreement;
 - the Local Planning Appeal Tribunal is advised by the City Solicitor that City Council has classified the site as a Class 4 noise area under relevant provincial noise guidelines (NPC 300), if the peer review of the Environmental Noise Assessment Report identified above concludes that a Class 4 noise area designation of the Property is appropriate;
 - submission of a draft plan subdivision application for the Property (which means the application must be submitted but not approved for the final order to issue);
 - withdrawal of the owner's appeal of Official Plan Amendment No. 393, to the satisfaction of the City solicitor; and,
 - execution and registration of a Section 37 agreement to secure the community benefits outlined above in accordance with the Planning Act before it was amended by Bill 108, as well as any matters of legal convenience to implement the matters listed above.

As noted above, this without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on June 29, 2020, after which it should be considered as withdrawn.

Our client appreciates the hard work of City staff that had enabled the presentation of this settlement offer to City council.

Yours truly,

Goodmans LLP



David Bronskill
DJB/ bp

cc: Client

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