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DELIVERED BY EMAIL TO:

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

Attn: Daniel Elmadany and Nathan Muscat
Solicitors, Planning and Administrative Tribunal Law Section

Re: Without Prejudice Settlement Offer
1460 Victoria Park Avenue - Zoning By-law Amendment (17 277574 NNY 34 OZ)
File 8904

We are the legal counsel for VITMONT HOLDINGS (VIC PARK) INC., the owner of the property municipally addressed as 1460 Victoria Park Avenue (“subject property”). An application for a Zoning By-law Amendment to permit the development of a 9-storey mixed-use apartment building was submitted to the City of Toronto on December 20, 2017. The Zoning By-law Amendment application was then deemed complete on March 12, 2019 per Section 34 (10.4) of the Planning Act.

On June 12, 2020, the Zoning By-law Amendment was appealed to the Ontario Land Tribunal (OLT) pursuant to Section 34 (11) of the Planning Act for the failure of Council to make a decision regarding the Application within 120 days of the Application being deemed complete. A nine-day video hearing is scheduled to begin on January 10, 2022. A Request for Direction Report was presented to North York Community Council on March 15, 2021, in which staff recommended that the City oppose the application at the OLT, while also directing that staff continue to work with the applicant to resolve the issues identified in the report.

In an effort to continue to work with staff in addressing the outstanding issues identified in the March 15th, 2021 staff report, a resubmission was filed by Weston Consulting on a without prejudice basis on

September 10th, 2021. Further to the materials submitted, the following settlement offer is proposed on a without prejudice basis:

- **Amenity Space** – The combined indoor and outdoor shared amenity area is 969.68 sq. m (257.68 sq. m of indoor amenity and 712 sq. m of outdoor amenity). This exceeds the minimum amenity requirement of 4 sq. m/unit by an additional 505.68 sq. m.
- **Parking** – The required parking rate is a total of 133 parking spaces; however, the proposed development includes a total of 117 parking spaces. The reduced rate has been justified in the previously submitted Traffic Impact and Parking Study prepared by IBI Group, dated September 9, 2021. The proposed rates include 0.72 spaces/1 bedroom unit, 1.0 spaces/2 bedroom unit, 1.2 spaces/3 bedroom unit, 0.15 visitor spaces/unit, and spaces for non-residential uses shall be comingled with the provided visitor parking. A further revision to the TIS Report is to be completed in order to reference updated TDM requirements requested by staff. This report will be provided under separate cover.
- **Guidelines** – In order to better align with O’Connor Drive Urban Design Guidelines, the proposed development maintains a pedestrian connection along the north side of the building, while also increasing the rear (west) setback to 7.5 metres
- **Height and Massing** – The proposed development has been revised to increase the overall building height in order to maintain the previously proposed density, while improving the building design, increasing step backs and setbacks to adjacent properties. The proposed height is 36.5m to the top of the roof slab, which is only marginally above the 36m ROW width proposed for Victoria Park Avenue as part of the Golden Mile Secondary Plan. A total height of 37m is proposed to allow for construction tolerance.

Based on the email correspondence to my client’s planner on September 16, 2021, staff had requested that the building massing be adjusted to shift a portion of the building mass at upper levels from the rear of the building to the front of the building. It was recognized that given the time constraints, a sketch confirming the new massing would be sufficient to proceed on this matter. The updated massing concept/elevations are attached, including a 6.5 metre stepback on the top of the 8th storey at the rear. It is recognized an updated architectural package is required, and will be prepared substantially in accordance with the revised massing sketch.

- **Underground Garage** - Based on the email correspondence to my client’s planner on September 16, 2021, staff had also requested that the developer agree that the underground parking ramp at the rear of the building be covered. The developer agrees to cover the underground parking ramp. As suggested by staff, requirements as such will be incorporated into the final zoning by-law instruments.

The following items are attached to this settlement offer:

1. Concept Massing Sketch, dated September 20, 2021 – SRN Architects
2. Architectural Site Plan + Stats, dated July 28, 2021 – SRN Architects

It is recognized that the Draft Zoning By-law is to be reviewed and finalized in consultation with staff based on the updated architectural set once finalized. It is noted that the Draft Zoning By-Law **does not** include a “H”, Holding Provision. Our client does not support the use of a Holding Provision being applied to the site, specifically, with respect to the realignment of O’Connor Drive.

Our client also agrees to the following conditions to any final Order of the Ontario Land Tribunal on the Zoning By-law Amendment:

- a. the proposed Zoning By-law Amendment(s) are in a final form and content satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor, and subject to being spoken to at the Tribunal if necessary.;
 - i. the selection the public street alignment as it relates to the O’Connor Drive reconfiguration and extension and substantial completion of the Municipal Class Environmental Assessment, under the Environmental Assessment Act, identifying the alignment of the O’Connor Drive extension; or
 - ii. it has been demonstrated to the satisfaction of the General Manager, Transportation Services that the development subject of the Zoning By-law can proceed without impacting the final determination of the public street alignment for O’Connor Drive;
- b. the owner has, at its sole cost and expense:
 - i. submitted a revised Functional Servicing Report and Stormwater Management Report, Hydrogeological Review, including the Foundation Drainage Report (“**Engineering Reports**”) to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water; and
 - ii. has secured the design and provided 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, should it be determined that improvements or upgrades are required to support the development, according to the accepted Engineering Reports, accepted by the Chief Engineer and Executive

Director, Engineering and Construction Services and the General Manager, Toronto Water;

- iii. ensured the implementation of the accepted Engineering Reports does not require changes to the proposed amending By-laws or any such required changes have been made to the proposed amending By-laws to the satisfaction of the Chief Planner, City Planning and the City Solicitor; and
- iv. provided a revised transportation impact study satisfactory and acceptable to the General Manager, Transportation Services, including transportation demand measures (TDM Measures) to be implemented and secured at site plan approval.

Request and Next Steps

As the Revised Proposal and this additional correspondence is being communicated on a without prejudice basis we would respectfully request that City Solicitor obtain instructions on our client's settlement offer and seek direction from City Council in respect of same.

We understand that the current intention is to seek that direction at the October 1 and 4, 2021 meeting of City Council. The owner is very appreciative of the City staff's efforts in this matters and hope that City Council will accept this settlement offer. If accepted by Council, this offer may become public and the City Solicitor and the owner attend the Ontario Land Tribunal in support of the revised proposal.

Should you have any questions or require any additional information, please contact the undersigned.

Yours truly,

PARENTE, BOREAN LLP

Per:

*Gerard C. Borean **

*Executed pursuant to the *Electronic Commerce Act*
23932342.1

Gerard C. Borean
GCB/cp

cc. VITMONT HOLDINGS (VIC PARK) INC.
WESTON CONSULTING