



Reply to the Attention of: Mary Flynn-Guglietti
Direct Line: 416.865.7256
Email Address: Mary.flynn@mcmillan.ca
Our File No.: 280189
Date: February 14, 2023

BY EMAIL (Marc.Hardiejowski@toronto.ca)

WITHOUT PREJUDICE

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

Attention: Marc Hardiejowski

Dear Marc:

**Re: Without Prejudice Settlement Letter
Starbank West Corporation,
1648-1670 Avenue Road and 405 Brookdale Avenue, Toronto
OLT File Number: OLT-22-004599**

We represent Starbanks West Corporation ("**Starbanks**") with respect to the above-noted matter. On October 20, 2022 we filed an appeal of Starbank's site specific Rezoning Amendment Application ("**ZBA**") to the Ontario Land Tribunal ("**OLT**"). The appeal was received by the Tribunal and assigned file number OLT-220004599. As of the writing of this letter no Case Management Conference has yet been scheduled.

We write this letter as a without prejudice settlement offer to resolve the appeal without the necessity of a lengthy and costly hearing. As noted in our appeal letter the original Starbank ZBA proposed a total gross floor area of 13,985 square metres, resulting in a floor space index ("**FSI**") of 4.59 times the area of the lot. The proposal included a mix of fifty-eight (58) dwelling units, consisting of larger residential units that would accommodate families.

Subsequent to filing the original ZBA, Starbank's planner, Goldberg Group, engaged in discussions with City Planning and Urban Design staff and also with three (3) Ratepayer Associations that had expressed an interest in the application. The meetings with the Ratepayer Associations included a total of four meetings between January 2022 and August 2022.

As a direct result of feedback received at the aforementioned meetings Starbank revised its application. The revised plans (attached) result in a reduced height in storeys from 9 to 8 storeys and an overall height reduction in metres from 32.2 m (36.5 m including mechanical penthouse) to 30.3m (34.3m including mechanical penthouse). The unit count and distribution has also changed from 58 total units to 82 total units. The revised unit count continues to include primarily large units including 68% 2 and 3 bedroom units. The underground garage has been enlarged to accommodate the additional parking required and the amenity space has been increased to meet the zoning by-law requirement.

The resident Associations of the Bedford Park Residents Association (BPRA), the Lytton Park Residents Association (LPRA) and the Upper Avenue Community Association UACA) have all indicated support for the revised application. These resident Associations have indicated they will not oppose the revised plan. The UACA, acting as the main resident Association contact, wish to stay involved with the Site Plan Approval ("**SPA**") process, following the Zoning approval, as it may have some input on aspects of the implementation details. Starbank has no objection to the UACA's request.

We respectfully request that our settlement offer be brought before the Council of the City of Toronto for consideration as soon as possible and preferably to the March 2023 Council meeting. The settlement offer is supported by the local resident Associations, and will result in residential units that will ease the housing crisis while meeting the planning objectives of the City of Toronto policies in its Official Plan, is consistent with the PPS and the Growth Plan and represents good land use planning.

To assist Council in its deliberations I am attaching the following documents:

1. Starbank's Notice of Appeal dated October 20, 2022;
2. The revised ZBA plans; and
3. A draft of the proposed Zoning by-laws.

Once you have had an opportunity to review our letter please contact me to discuss.

Yours truly,



Mary Flynn-Guglietti

Encls.

CC: Dung Lam, Starbank West Corporation
Michael Goldberg, Goldberg Group

Tab 1



Reply to the Attention of: Mary Flynn-Guglietti
Direct Line: 416.865.7256
Email Address: mary.flynn@mcmillan.ca
Our File No.: 280189
Date: October 20, 2022

EMAIL (clerk@toronto.ca) and COURIER

City of Toronto City Clerk
Toronto City Hall
13th Floor West Tower
100 Queen Street West
Toronto, Ontario
M5H 2N2

Attention: Clerk of the City of Toronto, John Elvidge

Dear Mr. Elvidge

Re: **Notice of Appeal pursuant to subsection 34(11) of the *Planning Act*,
R.S.O. 1990, c. P. 13
Starbank West Corporation
1648-1670 Avenue Road and 405-407 Brookdale Avenue, Toronto
City File No.: 21 231202 NNY 08 OZ**

We are the solicitors retained on behalf of Starbank West Corporation ("**Starbank**"), owner of the lands municipally known as 1648-1670 Avenue Road and 405-407 Brookdale Avenue, in the City of Toronto (the "**Subject Property**"). A site specific Rezoning Amendment Application ("**ZBA**") for the Subject Lands was filed with the City of Toronto ("**City**") on October 25, 2021 and deemed complete on December 10, 2021 and given City file no.21 231202 NNY 08 OZ.

The original Starbank ZBA application proposed of a total gross floor area of 13,985 square metres (calculated in accordance with By-law 569-2013), including a total of 830.0 square metres of commercial retail space at grade, resulting in a floor space index (FSI) of 4.59 times the area of the lot. The proposal included a mix of fifty-eight (58) dwelling units, consisting of larger units that would accommodate families. Of the 58 residential units, 55% will be three bedroom units, 33% will be two bedroom + den units and 12% will be two bedroom units.

Subsequent to filing the original submission, Starbank's planner, Goldberg Group, engaged in discussions with City Planning and Urban Design staff, and with three (3) ratepayer Associations that expressed an interest in this application. The meetings with the ratepayer Associations included a total of four meetings between January 2022 and August 2022.

Arising from these meetings Starbank revised its original application. The resident Associations of the Bedford Park Residents Association (BPRA), the Lytton Park Residents Association (LPRA), and the Upper Avenue Community Association (UACA) have all indicated support of the application with the proposed revisions. These residents Associations have indicated they will not oppose the revised plan at the Zoning By-law Amendment stage. The UACA, acting as the main resident Association contact, wish to stay involved with the Site Plan Approval ("SPA") process, following the Zoning approval, as it may have some input on some of the implementation details. Starbank has no objection to the UACA's request.

In summary, the revised plans (attached) show a reduced height in storeys from 9 to 8 storeys and an overall height reduction in metres from 32.2m (36.5m including mechanical penthouse) to 30.3m (34.3m including mechanical penthouse). The unit count and distribution has also changed from 58 total units to 81 total units. The revised unit count continues to include primarily large units including 68% 2-and 3-bedroom units. The underground garage has been enlarged to accommodate the additional parking required and the amenity space has been increased to meet the zoning bylaw requirement.

Following the agreement reached with the resident Associations in August 2022, Starbank has been unable to secure a firm level of support for the revised plan from City staff. During this time there has been staff turn-over and reassignment which has left the project without focused City engagement for many months. Starbank is reluctant to continue engagement with the City, including formally filing the revised plans as a resubmission. Starbank is concerned that a resubmission will take many more months, which may or may not lead to a settlement of the built form with the City. As a result, this appeal is being filed.

We are attaching to this Notice of Appeal a copy of the cover letter from the Goldberg Group dated October 25, 2021 regarding Starbank's ZBA with the list of materials and reports required and confirmed by the Pre-Application Consultation Planning Application Checklist dated May 3, 2021.

We are also attaching a copy of the Notice of Complete Application dated December 10, 2021 from, Al Rezoski, Manager of the Community Planning Department, North York District confirming that Starbank's application to amend the City's Zoning by-law in accordance with Sections 34(10.1) and 34(10.4) of the *Planning Act* was complete and given City file no.21 231202 NNY 08 OZ.

As the ZBA application was received on October 25, 2021 and deemed complete on December 10, 2021 and more than 90 days has transpired since the request was filed, Starbank is exercising its rights to file this Notice of Appeal on the basis of the Council of the City's failure to adopt the requested amendments within 90 days after the day the request was received.

Kindly accept this letter and the following items as our client's formal Notice of Appeal pursuant to subsection 34(11) of the *Planning Act*. We are attaching as required the following:

1. A copy of the October 25, 2021 cover letter to the City of Toronto Director of Planning for the Application for an amendment to the City's Zoning by-law from the Goldberg Group together with a list of all required and filed reports in support of the ZBA application;
2. A copy of a letter from Al Rezoski, Manager of Community Planning Department, North York District of the of the City of Toronto dated December 10, 2021 deeming the application complete;
3. A copy of the revised plans dated July, 2022
4. The completed OLT Appellant Form (A1) together with this Notice of Appeal Letter dated October 19, 2022; and,
5. Our client's certified cheque in the amount of \$1,100.00 payable to the Minister of Finance.

We trust the attached are acceptable however, should you require any additional information please do not hesitate to call me.

Yours truly,



Mary Flynn-Guglietti*

*A Professional Corporation

Encl. Appeal Form A1
1 cheque in the amount of \$1,100.00 (MOF)

CC: Starbank West Corporation, Attention: Mr. Dung Lam
Goldberg Group, Attention: Mr. Michael Goldberg

Tab 2

BDP. Quadrangle

Quadrangle Architects Limited
901 King Street West, Suite 701 Toronto, ON M5V 3H5
t 416 598 1240 www.bdpquadrangle.com

1648-1670 Avenue Road

Toronto, ON

for
STARBANK DEVELOPMENTS GROUP

Project No. 20043
Date 2022-07-01
Issued for ISSUED FOR REZONING AND SPA



ARCHITECTURAL DRAWINGS

A100.S Site Plan
A101.S Site Plan
A102.S Underground Parking
A201.S Ground Floor and Mezzanine Plan
A202.S Floor 2 & 3 Plan
A203.S Floor 4, 5 & 6 Plan
A204.S Floor 7 & 8 Plan
A205.S MPA & Roof Plan
A401.S East Elevation
A402.S North Elevation
A403.S South Elevation
A404.S West Elevation
A405.S Colour North Elevation
A406.S Colour South Elevation
A407.S Colour East Elevation
A408.S Colour West Elevation
A409.S East-West Section
A410.S East-West Section - 2
A411.S North-South Section
A412.S North-South Section - 2
A413.S RENDRINGS
A414.S RENDRINGS

PLANNING CONSULTANT

Golberg Group
22088 Avenue Road,
Toronto ON M2M 4A8
T 416-322-6364

TRANSPORTATION CONSULTANT

WSP Transportation
100 Commerce Valley
Drive West, Thornhill, ON
L3T 0A1,
T (905) 882-1100

LANDSCAPE ARCHITECT

STUDIO tta
20 Champlain Blvd, North
York, ON M3H 2Z1
T (416) 638-4911

SITE SERVICING CONSULTANT

Counterpoint Engineering
Inc. 8395 Jane Street,
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HYDROGEOLOGICAL CONSULTANT

Soil Engineers Ltd.
90 West Beaver Creek Road,
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1648-1670 Avenue Road

Toronto, ON
for
STARBANK DEVELOPMENTS GROUP
Project No. 20043
Date 02/21/13
Issued for

Floor	GBA/Typ. Floor (sm)	No. Typ. Floors	GBA Gross Building Area (no exclusions)				569-2013 GFA Exempt (sm)	City-Wide By-Law 569-2013				Floor	Suite Breakdown						Saleable/ Rentable	Efficiency
			sm		sf			GFA (Res)		GFA (Non-Res)			1B	1B+D	2B	2B+D	3B	Total Suites		
			sm	sf	sm	sf		sm	sf	sm	sf									
MPH/Amenity	473	1	473	5,091	191.0	282	3,035			MPH/Amenity										
Floor 8	1,290	1	1,290	13,886	40.0	1,250	13,455			Floor 8		1	1	2	4	8	12,414	sf	89%	
Floor 7	1,290	1	1,290	13,886	40.0	1,250	13,455			Floor 7		1	1	2	4	8	12,569	sf	91%	
Floor 6	1,490	1	1,490	16,038	40.0	1,450	15,608			Floor 6		6	1	3	2	12	14,754	sf	92%	
Floor 4-5	1,640	2	3,280	35,306	80.0	3,200	34,445			Floor 4-5		8	4	10	4	26	32,267	sf	91%	
Floor 3	1,900	1	1,900	20,452	40.0	1,860	20,021			Floor 3		6		10		16	18,979	sf	93%	
Floor 2	1,900	1	1,900	20,452	40.0	1,860	20,021			Floor 2		5	4	1	1	11	14,076	sf	69%	
Mezzanine	69	1	69	743	49.0	20	215			Mezzanine										
Ground	1,686	1	1,686	18,148	307.0	544	5,851	835.4	8,992	Ground							8,992	sf	50%	
Total Above Grade			13,378	144,001		11,716	126,107	835.4	8,992		0	27	11	28	15	81	114,051	sf	79%	
BELOW GRADE										% of Suite Type	0%	33%	14%	35%	19%					
P1	2,548	1	2,548	27,427	2,398.0	150														
P2	1,509	1	1,509	16,243	1,419.0	90														
TOTAL			17,435.0	187,670		11,956	126,946.31	835.4	8,992.2456											
				Amenity Deduction		162														
				Total GFA		11,794														
				Lot Area		3,047.25					Amenity									
				Combined RES & NON-RES Gross Floor Area Totals		12,629	by-law 569-2013				Indoor Amenity		Required = 2sm/unit =		162 sm		Provided =		628.0 sm*	
				Res and Non-Res Floor Space Index		3.87	R				Outdoor Amenity		Required = 40 sm		40 sm		Provided =		500.0 sm	
				Floor Space Index (FSI)		4.14	C		0.27		TOTAL Required 4sm/unit		324 sm		Provided =		1128.0 sm			

Toronto Green Standard Statistics template Version 3
Mid to High Rise Residential and all Non-Residential Development

General Project Description	Proposed
Total Gross Floor Area (sm)	12,629
Breakdown of project components (sm):	
Residential	11,730.50
Retail/Office	835.40
Commercial	0
Industrial	0
Institutional/other	0
Total number of residential units	81

Section 1: For Stand Alone Zoning Bylaw Amendment Applications and Site Plan Control Applications

Automobile Infrastructure	Required	Proposed	Proposed %
Number of parking spaces	161	165	100%
Number of parking spaces dedicated for priority LEV parking			
Number of parking spaces with EVSE	18	18	100%

Cycling Infrastructure	Required	Proposed	Proposed %
Number of long-term bicycle parking spaces (residential)	73	73	100%
Number of long-term bicycle parking spaces (all other uses)	2	2	100%
Number of long-term bicycle parking (all types) located on:			
a) first storey of building	0	0	
b) second storey of building	0	0	
c) third level below-ground	0	0	
d) other levels below-ground	0	0	
e) other levels below-ground	7	7	100%
Number of short-term bicycle parking spaces (residential)	0	0	
Number of short-term bicycle parking spaces (all other uses)	5	5	100%
Number of male shower and change facilities (non-residential)			
Number of female shower and change facilities (non-residential)			

Section 2: For Site Plan Control Applications

Cycling Infrastructure	Required	Proposed	Proposed %
Number of short-term bicycle parking spaces (all uses) at-grade or on first level below grade	12	12	100%

Light Non-cool Hardscapes	Required	Proposed	Proposed %
Total non-cool hardscapes area treated for Urban Heat Island (minimum 54%) (sm)	435		
Area of non-roof hardscapes treated with:			
a) high albedo surface material			
b) open grid pavement			
c) shade from tree canopy			
d) shade from high-rise structures			
e) shade from energy generation structures			
Percentage of required car parking spaces under cover (minimum 75% non-residential only)			

Green & Cool Roofs	Required	Proposed	Proposed %
Available Roof Space (sm)	425		
Available Roof Space provided as Green Roof (sm)	170	170	89%
Available Roof Space provided as Cool Roof (sm)	0		
Available Roof Space provided as Solar Panels (sm)	0		

Water Efficiency	Required	Proposed	Proposed %
Total landscaped site area (sm)			
Landscaped site area planted with drought tolerant plants (minimum 95% (sm) and % if applicable)			

Tree Planting Area & Soil Volume	Required	Proposed	Proposed %
Total Site Area (sm)			
Total Soil Volume Required (80% of the site area + 65sm x 20m)			
Total number of planting areas (minimum of 10m x 10m)			
Total number of trees planted			
Number of surface parking spaces (if applicable)			
Number of shade trees located in surface parking interior (minimum 1 tree for 5 parking spaces)			

Native and Pollinator Supportive Species	Required	Proposed	Proposed %
Total number of plants			
Total number of native plants and % of total plants planted (minimum 50%)			

Bird Friendly Glazing	Required	Proposed	Proposed %
Total area of glazing at all elevations within 12m above grade (including glass balcony railings)	688.3	1708	100%
Total area of treated glazing (minimum 80% of total area of glazing within 12m above grade) (sm)	1451.8	1708	100%
Percentage of glazing within 12m above grade treated with:			
a) Low reflectance opaque materials			
b) Visual markers			
c) Shading			

Green Roof Statistics	Required	Proposed	Proposed %
Available Roof Space Calculation			
Gross Floor Area, as defined in Green Roof Bylaw (sm)			
Total Roof Area (sm)			
Area of Residential Private Terraces (sm)			
Rooftop Outdoor Amenity Space, if in Residential Building (sm)			
Area of Renewable Energy Devices (sm)			
Tower(s) Roof Area with floor plants less than 750sm			
Total Available Roof Space (sm)		425	
Green Roof Coverage			
Coverage of Available Roof Space (sm)		170	378.00
Coverage of Available Roof Space (%)			40% 89%

The STATS below are based on requirements as per the Toronto City-Wide Zoning bylaw 569-2013 and the Toronto Green Standard v3

Loading Spaces	Required		Provided	
	Residential	Visitor	Residential	Visitor
< 400 Dwelling Units	81 Unit		81	80
Retail and Office	835.4 sm		12	12
Total required Loading			93	92

Bicycle Zone 1	Required		Provided	
	Residential	Visitor	Residential	Visitor
Long Term (0.9/unit)	0.9 x 81	73	79	
Short Term (0.1/unit)	0.1 x 81	9	7	
Retail - Long Term (0.2/100sm)	0.2 x 835.4	2	2	
Retail - Short Term (3+0.3/100sm)	3 + 0.3 x 835.4	6	5	
TOTAL		90	93	

Policy Area 4	Required		Provided	
	Residential - Occupant	Visitor	Residential - Occupant	Visitor
Parking for each dwelling unit	1.00 x 81	81	81	80
Residential - Occupant Total			81	80
Visitor (0.15/dwelling unit)	0.15 x 81	12	12	12
Retail/Office (1.0/100sm)	1.00 x 835.4	8	8	13
TOTAL		101	101	105

Parking Space Location	Required		Provided	
	Residential	Visitor	Residential	Visitor
Surface	0	0	0	0
P1	26	12	13	51
P2	54	0	0	54
TOTAL	80	12	13	105
Ratio	0.99			1.0

Residential	Required		Provided	
	Interior Amenity	Outdoor Amenity	Interior Amenity	Outdoor Amenity
TOTAL Res Amenity = 4.0sm/dwelling unit	324.00 sm		1,128.00 sm	
Interior Amenity min. 2.0sm/dwelling unit	162.00 sm		628.00 sm	
Required Indoor Amenity Deducted from Gross Floor Area			324.00 sm	
Outdoor Amenity min. 40.0sm	162.00 sm		500.00 sm	

Level	RESIDENTIAL		NON-RESIDENTIAL (TPA)		TOTAL	EVSE
	Occupant	Visitor	Occupant	Visitor		
Surface	0	0	0	0	0	
P1	26	12	13	51	51	9
P2	54	0	0	54	54	9
TOTAL	80	12	13	105	105	18
Ratio	0.99					1.0

Notes	Required		Provided	
	Interior Amenity	Outdoor Amenity	Interior Amenity	Outdoor Amenity
TOTAL Res Amenity = 4.0sm/dwelling unit	324.00 sm		1,128.00 sm	
Interior Amenity min. 2.0sm/dwelling unit	162.00 sm		628.00 sm	
Required Indoor Amenity Deducted from Gross Floor Area			324.00 sm	
Outdoor Amenity min. 40.0sm	162.00 sm		500.00 sm	

2022-07-01 ISSUED FOR REZONING AND SPA
2021-10-22 ISSUED FOR REZONING AND SPA

ISSUE RECORD

Date	No.	Description
2022-07-01		ISSUED FOR REZONING AND SPA
2021-10-22		ISSUED FOR REZONING AND SPA

BDP. Quadrangle

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301 King Street West, Suite 701, Toronto, ON M5V 3H4
1 416 598 1240 www.bdpquadrangle.com

1648-1670 Avenue Road
Toronto, ON

for STARBANK DEVELOPMENTS GROUP

20043 ED MR
PROJECT SCALE DRAWN REVIEWED

Statistics

A100.S

Note: This drawing is the property of the Architect and may not be reproduced or used without the expressed consent of the Architect. The Contractor is responsible for checking and verifying all levels and dimensions and shall report all discrepancies to the Architect and obtain clarification prior to commencing work.