
Confidential Attachment 1 to motion by Councillor Lily Cheng

Item CC6.7

That:

1. City Council accept the without prejudice offer to settle dated April 25, 2023 set out in Confidential Attachment 2 and direct the City Solicitor to attend at the Ontario Land Tribunal (OLT) in support of the settlement.
2. City Council direct the Chief Planner and Executive Director, City Planning in consultation with the City Solicitor and the local Ward Councillor to continue to work with the applicant in advance of the OLT hearing to explore the feasibility of providing a retail component at the corner of Bales Avenue and Glendora Avenue, and if a retail component is feasible, authorize the City Solicitor to support further modifications to the Settlement Offer Plans at the OLT to incorporate a retail component, provided they are to the satisfaction of the Chief Planner and Executive Director, City Planning.
3. City Council direct the Chief Planner and Executive Director, City Planning in consultation with the City Solicitor and the local Ward Councillor to continue to work with the applicant to explore the feasibility of providing an in-kind community benefit in the form of either a publicly-owned daycare or community agency space on the site, and if such in-kind community benefit is feasible, to report back to City Council for further instruction on securing the in-kind community benefit, and the City Solicitor be authorized to support further modifications to the Settlement Offer Plans at the OLT to incorporate the in-kind community benefit on-site, provided they are to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with any other affected Division.
4. City Council instruct the City Solicitor to request that the OLT withhold its Order until the City Solicitor has advised that:
 - a. the final form and content of the Official Plan amendment and the Zoning By-law amendment are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
 - b. the owner has submitted any updated engineering reports, including a Functional Servicing Report and Stormwater Management Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

- c. the owner has made satisfactory arrangements for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support the development as identified in the accepted Functional Servicing and Stormwater Management Reports accepted by the Chief Engineer and Executive Director of Engineering & Construction Services;
- d. The related Rental Housing Application has been resolved, to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- e. The Owner has submitted an updated wind study to the satisfaction of the Chief Planner and Executive Director, City Planning, and further the Owner's solicitor has confirmed to the City Solicitor that the Owner agrees to incorporate into any site plan agreement, the mitigation measures outlined in the wind study, to the satisfaction of the Chief Planner and Executive Director, City Planning.

5. City Council be advised that the Chief Planner will coordinate with the applicant to ensure that the following matters are addressed and secured through the site plan process:

- a. A POPS connection from Avondale Avenue to the new park;
- b. Landscaping details which may include improved fencing for the property directly to the east of the POPS connection;
- c. No primary living unit windows to be located on the side walls that are less than 5.5 metres (inclusive) from the east and west property lines along Avondale Avenue;
- d. No balconies projecting into the required building setbacks along the public streets including Avondale Avenue, Glendora Avenue and Bales Avenue;
- e. 3.44 metre road widening on Avondale Avenue, as shown on the Settlement Offer plans; and
- f. Underground parking areas are sufficiently below grade to allow for sufficient soil volumes for planting.

6. City Council accept an on-site parkland dedication pursuant to Section 42 of the Planning Act with a minimum size of 834 square metres, with a 5.0 metre setback from adjacent building faces, generally as shown on the plans included in Confidential Attachment 2 to the report (April 27, 2023) from the City Solicitor, with the exact size, location and configuration of the on-site parkland dedication to be to the satisfaction of the General Manager, Parks, Forestry and Recreation, and such on-site parkland dedication to be transferred to the City, free and clear, above and below grade, of all easements, encumbrances and encroachments, in an acceptable environmental condition, prior to the first above grade building permit.



7. City Council authorize the City Solicitor to take all necessary actions to implement City Council's decision.

Date:

Signature: