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September 26, 2023
File No.: 143655.1012

WITH PREJUDICE

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

Attention: Ms. Amanda Hill and Mr. Gabe Szobel

Dear Ms. Hill and Mr. Szobel:

Re: OLT-22-004331
2550 Victoria Park Avenue and 2, 4, 6 Lansing Square
With Prejudice Settlement Offer

We are counsel to 2509225 Ontario Inc., the applicant with respect to the Zoning By-law Amendment application for the property municipally known as 2550 Victoria Park Avenue and 2, 4, 6 Lansing Square, Toronto (the "**Property**"). The Property is located at the southwest corner of Sheppard Avenue East and Victoria Park Avenue.

Over the past several years, our client has been working with City staff in processing its application to redevelop the Property for a master planned community composed of 5 blocks, introducing a mix of commercial, residential, and retail uses across a range of built forms, including tall, mid-rise and townhouse buildings. This master planned community also includes retail space, a public park, publicly accessible open spaces, and a new public street network.

In approving our client's rezoning application, on July 22, 2022, City Council passed Zoning By-law Amendment No. 1006-2022 (the "**ZBA**"), which amends the City of Toronto Zoning By-law No. 569-2013 to facilitate the redevelopment of the Property. As part of Council's approval, our client agreed to provide a number of community benefits to be secured through the height and density bonusing regime established under former Section 37 of the *Planning Act*, including the contribution of a large public park, the provision of at least 160 affordable rental dwelling units, as well as contributions towards public art, the improvement of Pleasant View Library, and various other matters.

Notwithstanding the City's support for the development, the ZBA recommended by City staff and ultimately passed by Council as By-law No. 1006-2022 contained significant technical and drafting deficiencies that impede the ability to redevelop the Property as proposed.

In view of these deficiencies, our client was compelled to file an appeal of the ZBA, which is presently proceeding before the Ontario Land Tribunal under Case No. OLT-22-004331 (the "**Appeal**"). A 3-day hearing for the Appeal has been scheduled to commence on November 29, 2023. As our client has consistently maintained since the outset, our client's intention in filing the Appeal has simply been to

address the technical and drafting deficiencies within the ZBA passed by Council. Our client fully intends to follow through on its commitment to provide the Section 37 benefits agreed upon with the City.

Further to settlement discussions with City staff in resolving the form of the ZBA, which addresses drafting deficiencies and implements refinements to the proposal, we are pleased to present our client's final with prejudice settlement offer with respect to the Appeal.

This letter summarizes the terms of our final offer as the basis for resolving the appeal (the "**Settlement Offer**"):

1. Our client will advance, and the City will support, a request for the Ontario Land Tribunal to approve the modified ZBA, in the form of the Draft Zoning By-law Amendment enclosed with this letter as Attachment "1". If, prior to the Tribunal's consideration of the settlement, there are further technical matters to be incorporated into the ZBA to ensure the development can proceed as proposed, such modifications may be made to the form of the ZBA to be provided for the Tribunal's approval if agreed to by both parties.
2. Following City Council's acceptance of the Settlement Offer, our client will deliver to the Tribunal a letter effecting the partial withdrawal of the Appeal as it relates to Section 14 and Schedule A of the ZBA, being the provisions of the ZBA that deal with the facilities, services, and matters to be secured under former Section 37 of the *Planning Act*, such that these provisions come into force—and as a result, the height and density permitted through the ZBA will continue to be authorized under the bonusing system of former Section 37, rather than the new community benefits charge regime.
3. Following City Council's acceptance of the Settlement Offer, our client will write to inform the Tribunal of the settlement and request the release of two of the three hearing dates scheduled for the Appeal. One hearing date will be retained in the event the Tribunal wishes to hear settlement evidence and address any outstanding matters.

The Settlement Offer presented under this letter supersedes and replaces all prior offers, agreements, negotiations, and understandings in respect of these matters.

This Settlement Offer will remain open until the end of the City Council meeting scheduled to commence on October 11, 2023.

We trust that you will forward the terms of this final Settlement Offer for City Council's review and consideration at its meeting commencing on October 11, 2023. We look forward to receiving your response. Please contact the undersigned if you wish to discuss further.

Yours truly,



Jonathan S. Cheng

JSC/

Enclosure

cc. Tony Volpentesta, *Bousfields Inc.*
Client

Attachment "1"

Authority: North York Community Council Item NY25.3,
as adopted by City of Toronto Council on July 14, 15, and 16, 2021

CITY OF TORONTO

BY-LAW 1006-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 2550 Victoria Park Avenue and 2, 4, 6 Lansing Square.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone labels to these lands: CR 2.0 (c1.0; r1.0) SS1(x372); EO 2.0 (e2.0; o2.0) (x17); and ON as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1 and applying the following Policy Area label to these lands: 3, as shown on Diagram 8 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1, and applying the following height and storey label to these lands: HT 11, ST 3, as shown on Diagram 9 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Lot Coverage Overlay Map in Article 995.30.1, and applying the following lot coverage label to these lands: no value.
7. Zoning By-law 569-2013, as amended, as amended, is further amended by adding the lands to the Rooming House Overlay Map in Article 995.40.1, and applying the following rooming house label to these lands and applying no value.
8. Zoning By-law 569-2013, as amended, is further amended by adding the lands identified as “Blocks 1, 2, and 3” on Diagram 3 attached to this By-law to Development Standard Set 1 (SS1) standards.
9. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11 Exception Number 372 so that it reads:

(372) Exception CR 372

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On 2550 Victoria Park Avenue and 2, 4, 6 Lansing Square, if the requirements of By-law 1006-2022 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (KK) below:
- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 175.15 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 40.10.40.1(1), **dwelling units** are not permitted to be located on the same **storey** or below non-residential use portions of a **building**. For clarity, all other residential use portions of a **building** are permitted on the same **storey** or below the non-residential use portions;

- (D) Despite Regulations 40.10.40.10(1) and 40.10.40.10(7), the permitted maximum height of a **building** or **structure** is the number in metres following the letters “HT” on Diagrams 4, 5, and 6 to By-law 1006-2022;
- (E) Despite Regulations 40.5.40.10(3) to (8), and (D) above, the following **building** elements, equipment and **structures** may project beyond the permitted maximum heights shown on Diagrams 4, 5, and 6 to By-law 1006-2022, and if such features are located on a rooftop; area, coverage, horizontal dimension and locational restrictions are not applicable:
- (i) **building** elements, **structures** and equipment used for the functional operation of a **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts and overruns, chimneys, air intakes, vents, antennae, flagpoles, lightning rods, and cellular arrays, to a maximum of 7.0 metres;
 - (ii) **structures** that enclose, screen, or cover the equipment, **structures** and parts of a **building** listed in subsection (i) above, inclusive of a mechanical penthouse, to a maximum of 7.0 metres;
 - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, to a maximum of 0.5 metres above the maximum height projections in subsections (i) and (ii) above;
 - (iv) architectural features, parapets, and elements and **structures** associated with a **green roof**, to a maximum of 2.0 metres exclusive of subsection (iii) above;
 - (v) access ramps, ramps to parking below ground and skylights, to a maximum of 2.0 metres;
 - (vi) **building** maintenance units and window washing equipment, to a maximum of 7.0 metres;
 - (vii) planters, **landscaping** features, guard rails, railings, ornamental elements, architectural features, and divider screens on a balcony and/or terrace, to a maximum of 4.0 metres;
 - (viii) trellises, pergolas, decorative screens, canopies, structures and equipment used for outside or open air recreation, light monitors, light fixtures, awnings, canopies, and **structures** providing safety or wind protection, to a maximum of 5.0 metres;
 - (ix) exoskeleton structures attached to a **main wall**, to a maximum of 6.0 metres; and
 - (x) public art features;

- (F) Despite Regulation 40.10.40.10(5), the minimum height of the first **storey** devoted to non-residential uses, measured between the floor of the first **storey** and the ceiling of the first **storey**, is 4.0 metres and the minimum height of the first **storey** devoted to residential uses, measured between the floor of the first **storey** and the ceiling of the first **storey**, is 2.4 metres;
- (G) Despite Regulation 40.10.40.1(2), the floor level of the portion of a first **storey** that accommodates a non-residential use must be within 0.2 metres of the ground measured at 1.0 metres outside of each pedestrian entrance to such non-residential space;
- (H) Despite Regulations 40.5.1.10(3), 40.10.20.40(1), and 40.10.40.40(1), the permitted maximum total **gross floor area** of all **buildings** and **structures** is 143,115 square metres, of which:
- (i) the permitted maximum total **gross floor area** of residential uses is 111,100 square metres.
- (I) In addition to **gross floor area** reductions for a **building** set out in Regulations 40.5.40.40(1) and (3), **gross floor area** is also reduced by the area in a **building** used for:
- (i) waste collection and recycling rooms and areas, provided below, at or above ground level;
 - (ii) storage rooms and areas, electrical, utility, mechanical and ventilation rooms and areas provided at or above ground level;
 - (iii) ventilation ducts and utility shafts, excluding those within **dwelling units**, and vehicular ramps;
 - (iv) all **loading spaces** at ground level;
 - (v) all **bicycle parking spaces** provided at and above-ground;
 - (vi) all indoor **amenity space**; and
 - (vii) the area of a void in a floor if there is a vertical clearance of more than 2.95 metres between the top of the floor below the void and the ceiling directly above it;
- (J) Despite Regulations 40.10.20.100 (6), (16) and (17), the **gross floor area** of each **service shop**, **custom workshop** and **retail service** use will not exceed 400 square metres;
- (K) Despite Regulation 40.10.20.100(21)(B), the permitted maximum area of an **outdoor patio** is the lesser of 50 square metres or 50 percent of the **interior floor area** of the **premises** it is associated with;

- (L) Despite Regulation 40.10.20.100(21)(C) and subject to (K) above, a maximum of 15 percent of the **gross floor area** of an **outdoor patio** may be used as the area from which entertainment such as performances, music and dancing may be provided;
- (M) Despite Regulation 40.10.20.100(11), **public parking** provided in a surface parking lot is not required to be fenced along any **lot lines** that abut a **street**;
- (N) Despite Regulations 5.10.40.70(1), 40.10.40.70(1) and (4), the required minimum **building setbacks** are as shown in metres on Diagrams 4, 5, and 6 of By-law 1006-2022;
- (O) Despite Regulation 40.10.40.80(1), the required separation of **main walls** are as shown in metres on Diagrams 4, 5, and 6 of By-law 1006-2022;
- (P) Despite Regulations 5.10.40.70(1), 40.10.40.70(1) and 40.10.40.80(1), no portion of a **building** or **structure** erected or used above-ground may be located otherwise than wholly within a **building** envelope delineated by the heavy lines specified on Diagrams 4, 5, and 6 to By-law 1006-2022;
- (Q) Despite Clause 40.10.40.60 and Regulations 5.10.40.70(1), 5.10.60.1(2) and (4), 40.10.40.70(1), 40.10.40.80(1), and (N) to (P) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances, and be located outside a **building** envelope delineated by the heavy lines on Diagrams 4, 5, and 6 to By-law 1006-2022 as follows:
- (i) balconies, to a maximum of 2.0 metres;
 - (ii) canopies, awnings, and architectural “gateway” features to a maximum of 6.0 metres;
 - (iii) exterior stairs and stair enclosures, access ramps, accessibility ramps and elevating devices, to a maximum of 6.0 metres;
 - (iv) cladding added to the exterior surface of the **main wall** of a **building**, to a maximum of 0.5 metres;
 - (v) architectural features, such as a pilaster, decorative column, cornice, or sill, to a maximum of 1.0 metres;
 - (vi) eaves, to a maximum of 0.5 metres;
 - (vii) pergolas, patios, guardrails, balustrades, railings, decorative/acoustic doors and screens and light fixtures, to a maximum of 3.0 metres;
 - (viii) trellises and planters, to a maximum of 5.0 metres;

- (ix) air conditioners, satellite dishes, antennae, vents, pipes, and damper equipment to reduce **building** movement, to a maximum of 1.0 metres;
 - (x) window washing equipment, including a Building Maintenance Unit or crane, to a maximum of 3.0 metres; and
 - (xi) public art installations, safety and wind protection/mitigation features, site servicing and elements required for the functional operation of a building, fences, art, **landscaping** features, and ventilation shafts;
- (R) Despite (Q)(i) above, balconies are not permitted to encroach into a **building setback** within 3.0 metres of all corners of a “Tower” as shown on Diagrams 4, 5, and 6 to By-law 1006-2022;
- (S) Despite Regulation 40.5.40.10(8), for “Blocks 1 and 2” shown on Diagram 3 of By-law 1006-2022, “Tower” means a **building** or portions of a **building** indicated to be a “Tower” on Diagrams 4 and 5 and which collectively enclose the entirety of a **storey** higher than 36 metres above the Canadian Geodetic Datum elevation of 175.15 metres;
- (T) Each “Tower” floor plate on “Blocks 1 and 2” as shown on Diagram 3 of By-law 1006-2022, has a maximum **gross floor area** of 750 square metres, subject to the permitted **building** area reductions of Regulations 40.5.40.40(1) and (3) and (I) above;
- (U) Despite Regulation 40.10.40.80(1), if a line projected at a right angle from a **main wall** of a “Tower” intercepts a **main wall** of another “Tower” those **main walls** must be separated by a minimum of 25.0 metres;
- (V) Despite (U) above, the encroachments permitted in (Q) above are also permitted to encroach into the required “Tower” separation distance specified in (U) above;
- (W) The provision of **dwelling units** is subject to the following:
- (i) a minimum of 30 percent of the total number of **dwelling units** permitted on “Blocks 1, 2, and 3” shown on Diagram 3 of By-law 1006-2022 must be 2-bedroom units. A minimum of 25 percent of the 2-bedroom units must have a minimum **dwelling unit** size of 87 square metres of **gross floor area**, exclusive of the **dwelling units** set out in (X) below; and
 - (ii) a minimum of 10 percent of the total number of **dwelling units** permitted on “Blocks 1, 2, and 3” shown on Diagram 3 of By-law 1006-2022 must be 3-bedroom units. A minimum of 30 percent of 3-bedroom units must have a minimum **dwelling unit** size of 100 square metres of **gross floor area**, exclusive of the **dwelling units** set out in (X) below;
- (X) The provision of 160 **dwelling units** in accordance with Schedule A to this By-law is subject to the following:

- (i) a maximum of 60 percent of the **dwelling units** must be 1-bedroom units, subject to an average **dwelling unit gross floor area** of 46.5 square metres;
 - (ii) a minimum of 30 percent of the **dwelling units** must be 2-bedroom units, subject to an average **dwelling unit gross floor area** of 65 square metres; and
 - (iii) a minimum of 10 percent of the **dwelling units** must be 3-bedroom units, subject to an average **dwelling unit gross floor area** of 83.6 square metres;
- (Y) Despite Regulations 40.10.40.50(1)(A) and (B) and 40.10.40.50(2), for each of “Blocks 1, 2, and 3” shown on Diagram 3 of By-law 1006-2022 a **building** with 20 or more **dwelling units**, with or without non-residential **gross floor area**, must provide **amenity space** at the following rates:
- (i) at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 2.0 square metres of outdoor **amenity space** for each **dwelling unit**; and
 - (iii) provided the collective amount of **amenity space** provided on each “Block” complies with the requirements of subsections (i) and (ii) above, each individual **building** on a “Block” is not required to comply with the **amenity space** requirements in subsections (i) and (ii) above;
- (Z) Despite Regulation 40.10.40.50(2), outdoor **amenity space** is not required for the non-residential **gross floor area** in a **building**;
- (AA) Despite Regulation 40.10.80.20(1), a **parking space** that is not in a **building** or **structure** must be set back at least 1.0 metre from a **lot line**;
- (BB) Despite Regulation 200.5.1.10(12)(C), the **vehicle** entrance and exit to a **building** must be at least 3.0 metres from a **lot line** abutting a **street**;
- (CC) Despite Section 200.25, Articles 970.10.1 and 970.10.15, Clauses 200.5.10.11 and 970.10.15.40, Regulations 200.5.1.10(1) and 200.5.10.1(1) and Tables 200.5.10.1 and 970.10.15.5, **parking spaces** are to be provided in accordance with Article 200.5.10, Clauses 200.5.200.5 and 200.5.200.40 and Regulations 200.5.1.10(2) to (14), as they read on [date of OLT approval of By-law 1006-2022, as modified], and subject to the following:
- (i) a minimum of 0.30 **parking spaces** for each **dwelling unit**; and
 - (ii) a minimum of 2 **parking spaces** plus 0.05 **parking spaces** for each **dwelling unit** in a **building** for residential visitors;

- (DD) Despite Section 200.25 and Articles 970.10.1 and 970.10.15, accessible **parking spaces** may be provided in accordance with Article 200.15.10, as it read on **[date of OLT approval of By-law 1006-2022, as modified]**
- (EE) Despite Regulations 40.5.80.1(1), 40.5.80.10(1) and 200.5.1(2), required **parking spaces** may be provided on any lands that are the subject of this By-law, as outlined by heavy black lines on Diagram 1 of By-law 1006-2022, and do not have to be provided on the “Block” or **lot** containing the use, **building** or **structure** for which the **parking spaces** must be provided;
- (FF) Despite Article 200.15.1:
- (i) an accessible **parking space** must have the following minimum dimensions:
 - (a) a length of 5.6 metres;
 - (b) width of 3.4 metres; and
 - (c) vertical clearance of 2.1 metres;
 - (ii) one side of the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
 - (iii) accessible **parking spaces** are required to be within 30 metres of a barrier free entrance to a **building** and passenger elevator that provides access to the first **storey** of the **building**; and
 - (iv) accessible **parking spaces** are to be provided on the “Block” of the **building** where the accessible **parking spaces** are required;
- (GG) Despite Regulations 40.10.90.1(1) and (2), and 220.5.10.1(2) to (5), the minimum number of **loading spaces** required on “Blocks 1, 2, and 3” on Diagram 3 of By-law 1006-2022 are as follows:
- (i) in the **buildings** identified within “Block 1” on Diagram 4 of By-law 1006-2022:
 - (a) Tower A: one (1) type ‘G’ **loading space**, shared with Tower B; and
 - (b) Tower B: one (1) type ‘B’ **loading space**;
 - (ii) in the **buildings** identified within “Block 2” on Diagram 5 of By-law 1006-2022:
 - (a) Tower C: one (1) type ‘G’ **loading space**, shared with Tower D and Building F;

- (b) Tower D: one (1) type ‘B’ **loading space**;
 - (c) 2 Lansing Square: two (2) type “B” **loading spaces**; and
 - (d) Building F: one (1) type ‘B’ **loading space**;
- (iii) in the building identified within “Block 3” as identified on Diagram 6 of By-law 1006-2022:
- (a) Building G: one (1) type ‘G’ **loading space**;
- (HH) Despite Regulation 40.10.90.40(3), a **loading space** located in a **building** may have access through a **main wall** that faces a **street**;
- (II) Despite Regulation 40.10.100.10(1)(C), on each of “Blocks 1, 2, and 3” as identified on Diagram 3 of By-law 1006-2022, more than two (2) **vehicle** accesses are permitted;
- (JJ) Despite Regulations 230.5.1.10(4)(A), (4)(C) and (5)(A), the required minimum dimensions of a **stacked bicycle parking space** are:
- (i) length of 1.6 metres;
 - (ii) width of 0.3 metres; and
 - (iii) vertical clearance of 1.1 metres; and
- (KK) Despite Regulations 230.5.1.10(10) and 230.40.1.20(2), “short-term” **bicycle parking spaces** may also be located in a **stacked bicycle parking space** or in any combination of vertical, horizontal or stacked positions and may be located more than 30 metres from a pedestrian entrance.
10. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.24 Exception Number 17 so that it reads:
- (17) Exception EO 17
- The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:
- Site Specific Provisions:
- (A) On 2550 Victoria Park Avenue and 2, 4, 6 Lansing Square, if the requirements of By-law 1006-2022 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (Z) below;

- (B) In addition to the permitted uses in Clauses 60.40.20.10 and 60.40.20.20 and despite Regulations 60.40.20.100(1), (6), (7), 14(E) and (23), the following uses are permitted if they comply with the specific conditions associated with each use listed below:
- (i) **day nursery, recreation use, and entertainment place of assembly**, provided:
 - (a) the use is located on the first, second or third **storey** in a **building** or **structure**;
 - (ii) **eating establishment, take out eating establishment, recreation use, entertainment place of assembly, retail service and retail store**, provided:
 - (a) the use is located in a **building** or **structure** that includes at least one of the permitted uses listed in Regulations 60.40.20.10(1) and 60.40.20.20(1);
 - (iii) a **recreation use** is not required to be located in a **building** or **structure** that fronts onto a **major street**;
 - (iv) **eating establishment, take-out eating establishment, retail service, retail store and personal service shop**, provided:
 - (a) the total **interior floor area** of each individual establishment, service, shop and store does not exceed 500 square metres;
 - (v) **outdoor patio**, provided:
 - (a) the permitted maximum area is the lesser of 50 square metres or 50 percent of the **interior floor area** of the **premises** it is associated with; and
 - (vi) a **parking garage**, with **parking spaces** that may be provided on an exclusive or non-exclusive basis, and which may also be used to accommodate the **parking space** requirements, including “car share **parking spaces**”, for any use, **building** or **structure** located on the lands shown on Diagram 1 of By-law 1006-2022, as well as for **public parking**;
- (C) Despite Clauses 60.40.20.10 and 60.40.20.20 and (B) above, the following uses are not permitted: fire hall, police station, **art gallery, club, community centre, education use, library, municipal shelter, museum, performing arts studio, drive through facility, hotel, place of worship, and vehicle fuel station**;
- (D) Despite Regulation 60.40.1.10(3), the maximum **gross floor area** of **buildings** or **structures** will not exceed 31,260 square metres, provided:

- (i) the minimum **gross floor area** devoted to any combination of office, medical office, or **software development and processing** will be 10,480 square metres; and
 - (ii) the maximum **gross floor area** devoted to any combination of **day nursery, recreation use, entertainment place of assembly, eating establishment, take-out eating establishment, retail service, retail store and personal service shop** is 15,317.40 square metres;
- (E) In addition to the **gross floor area** reductions set out in Regulation 60.5.40.40(1), the **gross floor area** of a **building** or **structure** is also reduced by the area in a **building** or **structure** used for:
- (i) storage rooms and areas, waste collection and recycling areas, electrical, utility, mechanical and ventilation rooms and areas, provided below, at or above ground level;
 - (ii) garbage chutes and vehicular ramps;
 - (iii) **parking spaces** at ground level or above-ground;
 - (iv) all **loading spaces** at ground level;
 - (v) all **bicycle parking spaces** at ground level; and
 - (vi) voids at the level of each floor;
- (F) Despite Regulations 60.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 175.15 metres and the elevation of the highest point of the **building** or **structure**;
- (G) Despite Regulation 60.40.40.10(1), the permitted maximum height of a **building** or **structure** is the number in metres following the letters “HT” on Diagram 7 to By-law 1006-2022;
- (H) Despite Regulations 60.5.40.10(3)(B) to (6), 60.40.40.10.(2) and (F) above, the following **building** elements, **structures** and equipment may project beyond the permitted maximum **building** or **structure** height, and if located on a rooftop; area, coverage, horizontal dimension and locational restrictions are not applicable:
- (i) **building** elements, **structures** and equipment used for the functional operation of a **building** including electrical, utility, mechanical and ventilation equipment, antennae, flagpoles, lightning rods, cellular arrays, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts and overruns, chimneys, air intakes, vents and water supply facilities, to a maximum of 7.0 metres;

- (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in subsection (i) above, inclusive of a mechanical penthouse, to a maximum of 7.0 metres;
 - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, to a maximum of 0.5 metres above the maximum height projections in subsections (i) and (ii) above;
 - (iv) architectural features, parapets, and elements and **structures** associated with a **green roof**, to a maximum of 2.0 metres, exclusive of subsection (iii) above;
 - (v) access ramps, ramps to parking below, at and above-ground, and skylights, to a maximum of 2.0 metres;
 - (vi) **building** maintenance units and window washing equipment, to a maximum of 7.0 metres;
 - (vii) planters, **landscaping** features, guard rails, railings, ornamental elements, architectural features to a maximum of 4.0 metres; and
 - (viii) **structures** providing safety or wind protection, light fixtures, light monitors, awnings, canopies, to a maximum of 5.0 metres;
- (I) Despite Clauses 60.5.40.70 and 60.40.40.70, the required minimum **building setbacks** are as shown in metres on Diagram 7 of By-law 1006-2022;
- (J) Despite Regulations 5.10.40.70(1), 60.5.40.70(1), 60.40.40.70(1), (2) and (3), no portion of a **building** or **structure** erected or used above-ground may be located otherwise than wholly within a building envelope delineated by the heavy lines specified on Diagram 7 of By-law 1006-2022;
- (K) Despite Regulations 5.10.60.1(2) to (4), and (I) and (J) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances, and may be located outside a building envelope delineated by the heavy lines on Diagram 7 of By-law 1006-2022 as follows:
- (i) canopies and awnings, to a maximum of 4.5 metres;
 - (ii) cladding added to the exterior surface of the **main wall** of a **building**, to a maximum of 0.5 metres;
 - (iii) architectural features, such as a pilaster, decorative column, cornice, sill, or belt course, to a maximum of 1.0 metres;
 - (iv) pergolas, patios, guardrails, balustrades, railings, decorative/acoustic doors and screens and light fixtures, to a maximum of 3.0 metres;

- (v) trellises and planters, to a maximum of 5.0 metres;
 - (vi) air conditioners, satellite dishes, antennae, and damper equipment to reduce **building** movement, to a maximum of 1.0 metres;
 - (vii) window washing equipment, including a Building Maintenance Unit or crane, to a maximum of 3.0 metres; and
 - (viii) public art features, fences, safety and wind protection/mitigation features, art and **landscaping** features, access ramps, elements required for the functional operation of a **building**, site servicing features, exterior stairs and stair enclosures and ventilation shafts;
- (L) Despite Regulation 60.5.100.1(1), a **driveway** may have a maximum width of 15.0 metres along any portion;
- (M) Despite Regulation 60.5.80.1(1), for the purpose of calculating **parking space** requirements in (N) and (O) below for any use, **building** or **structure**, the **gross floor area** of a **building** or **structure** may be reduced by the exclusions in Regulations 60.5.80.1(1), 200.5.1.10(11) and (E) above;
- (N) Despite Section 200.25, Articles 970.10.1 and 970.10.15, Clause 200.5.10.11, and Regulation 200.5.1.10(1), **parking spaces** will be provided in accordance with Article 200.5.10, Clause 200.5.200.5 and Regulations 200.5.1.10(2) to (14), as they read on **[date of OLT approval of By-law 1006-2022, as modified]**;
- (O) Despite the **parking space** rates found in Table 200.5.10.1, the maximum number of **parking spaces** provided for each use may be greater than the permitted maximum;
- (P) Despite the **parking space** rates found in Table 200.5.10.1 and Regulations (N) and (O) above, “car share **parking spaces**” may replace **parking spaces** otherwise required, subject to the following:
- (i) a reduction of 4 required **parking spaces** may be permitted for each “car share **parking space**” provided, up to a maximum of 4 “car share **parking spaces**”;
- (Q) For the purposes of By-law 1006-2022, “car share” means the practice where a number of people share the use of one or more motor **vehicles** that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of **vehicles** to be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
- (R) For the purposes of By-law 1006-2022, “car share **parking space**” means a vehicular **parking space** that is reserved and signed for “car share” purposes;

- (S) Despite Section 200.25 and Articles 970.10.1 and 970.10.15, accessible **parking spaces** will be provided in accordance with Article 200.15.10, as it read on **[date of OLT approval of By-law 1006-2022, as modified]**;
- (T) Despite Clause 60.5.80.10 and Regulations 60.5.80.1(2) and 200.5.1(2), required **parking spaces** may be provided on any lands that are the subject of this By-law, as outlined by heavy black lines on Diagram 1 of By-law 1006-2022, and do not have to be provided on the “Block” or **lot** containing the use, **building** or **structure** for which the **parking spaces** must be provided;
- (U) Despite Regulation 200.15.1(1), an accessible **parking space** must have the following minimum dimensions:
- (i) a length of 5.6 metres;
 - (ii) width of 3.4 metres; and
 - (iii) vertical clearance of 2.1 metres;
- (V) Despite Regulations 200.15.1(3) and (4):
- (i) the entire length of one side of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
 - (ii) accessible **parking spaces** are required to be located within 30 metres of a barrier free entrance to a **building** and passenger elevator that provides access to the first **storey** of a **building**; and
 - (iii) an accessible **parking space** is to be provided on the “Block” of the **building** where the accessible **parking space** is required;
- (W) Despite Regulations 220.5.1.10(2), (3) and (4) and 220.5.10.1(3) to (5), (7) and (9), the minimum number of **loading spaces** required on “Block 4” as shown on Diagram 3 of By-law 1006-2022 are as follows:
- (i) two (2) type ‘B’ **loading spaces**; and
 - (ii) two (2) type ‘C’ **loading spaces**;
- (X) Despite Regulation 60.40.90.40(2), a **loading space** located in a **building** may have access through a **main wall** that faces a **street**;
- (Y) Despite Regulations 230.5.1.10(4)(A), (4)(C) and (5)(A), the required minimum dimensions of a **stacked bicycle parking space** are:
- (i) length of 1.6 metres;
 - (ii) width of 0.3 metres; and

- (iii) vertical clearance of 1.1 metres;
 - (Z) Despite Regulation 230.5.1.10(10), “short-term” **bicycle parking spaces** may also be located in a **stacked bicycle parking space** in any combination of vertical, horizontal or stacked positions and may be located more than 30 metres from a pedestrian entrance.
11. Other
- No person shall erect on any of the lands shown on Diagram 1 of By-law 1006-2022 any **building** or **structure** until the following municipal services are provided to the property line and the following provisions are complied with:
- (A) all new public roads, have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (B) all water mains, sanitary sewers, storm sewers and appropriate appurtenances have been installed and are operational, that are required to service the parcel of land that the **building** or **structure** resides on.
12. Despite any severance, partition or division of the lands shown on Diagram 1 of By-law 1006-2022, the provisions of this By-law shall apply as if no severance, partition or division occurred.
13. None of the provisions of By-law 569-2013, as amended, and By-law 1006-2022 apply to prevent surface parking on “Block 5” as shown on Diagram 3 of By-law 1006-2022, until such time as “Block 5” is conveyed to the City.
14. Section 37 Requirements:
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 attached to this By-law in return for the provision by the owner, at the owner’s expense of the facilities, services and matters set out in Schedule A attached to this By-law and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
 - (B) Where Schedule A attached to this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
 - (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

(Seal of the City)

John D. Elvidge,
City Clerk

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SCHEDULE A**Section 37 Requirements**

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagrams 1 to 9 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. The owner is to provide the following facilities, services and matters pursuant to Section 37 of the Planning Act as follows:

Office Replacement

- (a) The owner shall design, construct and operate a non-residential building on Block 4 of Diagram 3 of By-law 1006-2022 with a minimum gross floor area of 11,644 square metres of which a minimum of 10,480 square metres is to be used for office, medical office, or **Software Development and Processing**, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

Library

- (b) Prior to the issuance of any above grade building permit on the lands, except for buildings on Block 4 on Diagram 3 of By-law 1006-2022, the owner is to provide a financial contribution to the City of two-million and seven-hundred thousand dollars (\$2,700,000) to be used for the improvement of Pleasant View Library. The financial contribution set out above shall be indexed to the Statistics Canada Non-Residential Construction Price Index for Toronto calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City.

Public Art

- (c) The owner shall prepare, at its expense, a Public Art Plan (the "Public Art Plan") for the provision of Public Art on the site or adjacent City-owned land and shall submit the Public Art Plan to the City, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Toronto Public Art Commission, and to City Council for approval, in accordance with the terms of the Section 37 Agreement.
- (d) Prior to the issuance of any above grade building permit on the lands, except for Building E identified on Diagram 7 of By-law 1006-2022, the owner shall make a Public Art contribution to the City in the amount of five hundred thousand dollars (\$500,000) on public art program terms set out in the Section 37 Agreement and to the satisfaction of the Chief Planner and Executive Director, City Planning, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of issuance of the

first above-grade building permit.

Affordable Housing

2. The owner is to provide the following facilities, services and matters pursuant to Section 37 of the Planning Act, in a form satisfactory to the City with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:
 - (a) The owner shall design, construct and operate at least 160 affordable rental dwelling units comprised of approximately 8,919 square metres of residential Gross Floor Area within the approved development at 2, 4, 6 Lansing Square and 2550 Victoria Park Avenue, in accordance with the Terms outlined in Attachment 11 of the Final Staff Report on Zoning By-law Amendment Application 19 147759 NNY 17 OZ, dated June 3, 2021, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - (b) The owner agrees that no building permits shall be issued for Phase 2, until an above grade building permit has been issued and obtained for Tower B in Phase 1 identified on Diagram 4 of By-law 1006-2022 containing at least 80 affordable rental housing units (at least 50 percent of the affordable rental dwelling units to be provided on the site);
 - (c) The owner agrees that no building permits shall be issued for Phase 3, until an above grade building permit has been obtained and issued for Tower C in Phase 2 identified on Diagram 5 of By-law 1006-2022 containing the remaining affordable rental housing units;
 - (d) The owner agrees that prior to the issuance of the first above grade building permit for the last phase of the development (Phase 3), the 160 affordable rental dwelling units shall be ready and available for occupancy;
3. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

Phasing

- (a) The owner agrees that construction shall proceed in accordance with the following development Phasing Plan:

Phase 1

Construction of New Street B identified on Diagrams 4, 5, 6 and 7 of By-law 1006-2022;

Construction of the easterly portion of New Street A identified on Diagrams 4, 5, 6 and 7 of By-law 1006-2022;

Construction of new east/west Settlers Road identified on Diagrams 4, 5, 6 and 7 of By-law 1006-2022;

Construction of Building E identified on Diagram 7 of By-law 1006-2022 with a minimum gross floor area of 11,644 square metres;

Construction of Tower A identified on Diagram 4 of By-law 1006-2022;

Construction of Tower B identified on Diagram 4 of By-law 1006-2022;

Construction of the 530 square metre POPS, east of Tower A identified on Diagram 4 of By-law 1006-2022; and

Construction of a minimum of 80 affordable housing units.

Phase 2

Construction of the westerly portion of the new east/west local public road;

Construction of Tower C identified on Diagram 5 of By-law 1006-2022;

Construction of Tower D identified on Diagram 5 of By-law 1006-2022;

Conveyance of the 4,843 square metre public park identified as Block 5 on Diagram 7 of By-law 1006-2022;

Construction of Building F identified on Diagram 5 of By-law 1006-2022;

Construction of a minimum of 80 affordable housing units; and

Construction of the 525 square metre POPS, east of Tower C identified on Diagram 5 of By-law 1006-2022.

Phase 3

Construction of Building G identified on Diagram 6 of By-law 1006-2022.

- (b) The owner agrees that no above grade building permits shall be issued for Towers A, B, C, or D, or Buildings F or G in Blocks 1, 2, and 3 identified on Diagrams 4, 5 and 6 of By-law 1006-2022, until an above grade building permit has been issued and obtained for the office Building E identified on Diagram 7 of By-law 1006-2022;
- (c) The owner agrees that prior to any above grade building permits being issued for Phase 2 (any of Towers C or D or Building F identified on Diagrams 5 and 6 of By-law 1006-2022), an occupancy permit shall be issued for the office Building E identified on Diagram 7 of By-law 1006-2022.

Privately owned, publicly accessible open space

- (d) The owner shall construct and maintain, at its own expense, an area of not less than 530 square metres east of Tower A in Block 1 (Tower A and Block 1 being identified on Diagram 4 of By-law 1006-2022), for use by the general public as Privately-Owned Publicly accessible Open Space (POPS) with the specific location, configuration and design to be determined and secured through site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (e) The owner shall construct and maintain, at its own expense, an area of not less than 525 square metres east of Tower C in Block 2 (Tower C and Block 2 being identified on Diagram 5 of By-law 1006-2022), for use by the general public as Privately-Owned Publicly accessible Open Space (POPS) with the specific location, configuration and design to be determined and secured through site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (f) The owner agrees that prior to the issuance of the first above-grade building permit, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, an access easement in favour of the City in perpetuity, including support rights as applicable, for public use of the privately-owned publicly accessible open space (POPS) indicated in items 3.(d) and 3.(e) above, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;

Traffic demand management

- (g) Prior to issuance of the first Above-Grade Building Permit for any portion of the site, the owner shall make a one-time contribution to the City in the amount of One Hundred Thousand Dollars (\$100,000.00) towards the installation of two bike-share stations on the site.
- (h) The owner shall provide and maintain, as part of Site Plan Approval, a minimum of 4 publicly accessible car-share parking spaces in locations satisfactory to the Chief Planner and Executive Director, City Planning Division, in consultation with the General Manager, Transportation Services.
- (i) The owner shall introduce a monitoring program for the usage of the car-share vehicles and spaces provided on the site prior to Site Plan Approval of any Tower/Building in Phase 2, including the collection of baseline data to establish a base condition and subsequent data collection program to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the General Manager, Transportation Services.
- (j) At first residential use for any Building in Phase 1, the owner shall provide and maintain shuttle service between the site and Don Mills Subway Station during

the interim condition prior to the easterly extension of higher order transit on Sheppard Avenue East, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the General Manager, Transportation Services.

- (k) The owner shall provide and maintain real-time transportation screens in locations, through Site Plan Approval, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the General Manager, Transportation Services.
- (l) The owner shall provide proof of purchase and distribution of unloaded PRESTO cards to all first-time residential unit owners/renters to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

Parks

- 4. The owner agrees that Parkland Dedication is to be secured through the Section 37 Agreement, to the satisfaction of the General Manager, Parks, Forestry and Recreation, and include the following:
 - (a) The owner shall dedicate on-site parkland pursuant to Section 42 of the Planning Act having a minimum size of 4,843 square metres (the “Parkland Dedication”), with the exact location and configuration of the Parkland Dedication to be to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor;
 - (b) The owner shall design and construct base and above-base park improvements, on terms and conditions set out in the Section 37 Agreement subject to receipt of a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction of above-base park improvements; and
 - (c) The owner agrees that the Parkland Dedication to be conveyed to the City shall be free and clear, above and below grade, of all easements, encumbrances, and encroachments and in acceptable environmental condition and is to be conveyed to the City prior to the issuance of the second above grade building permit for either Tower C or Tower D to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.

Section 37 Agreement

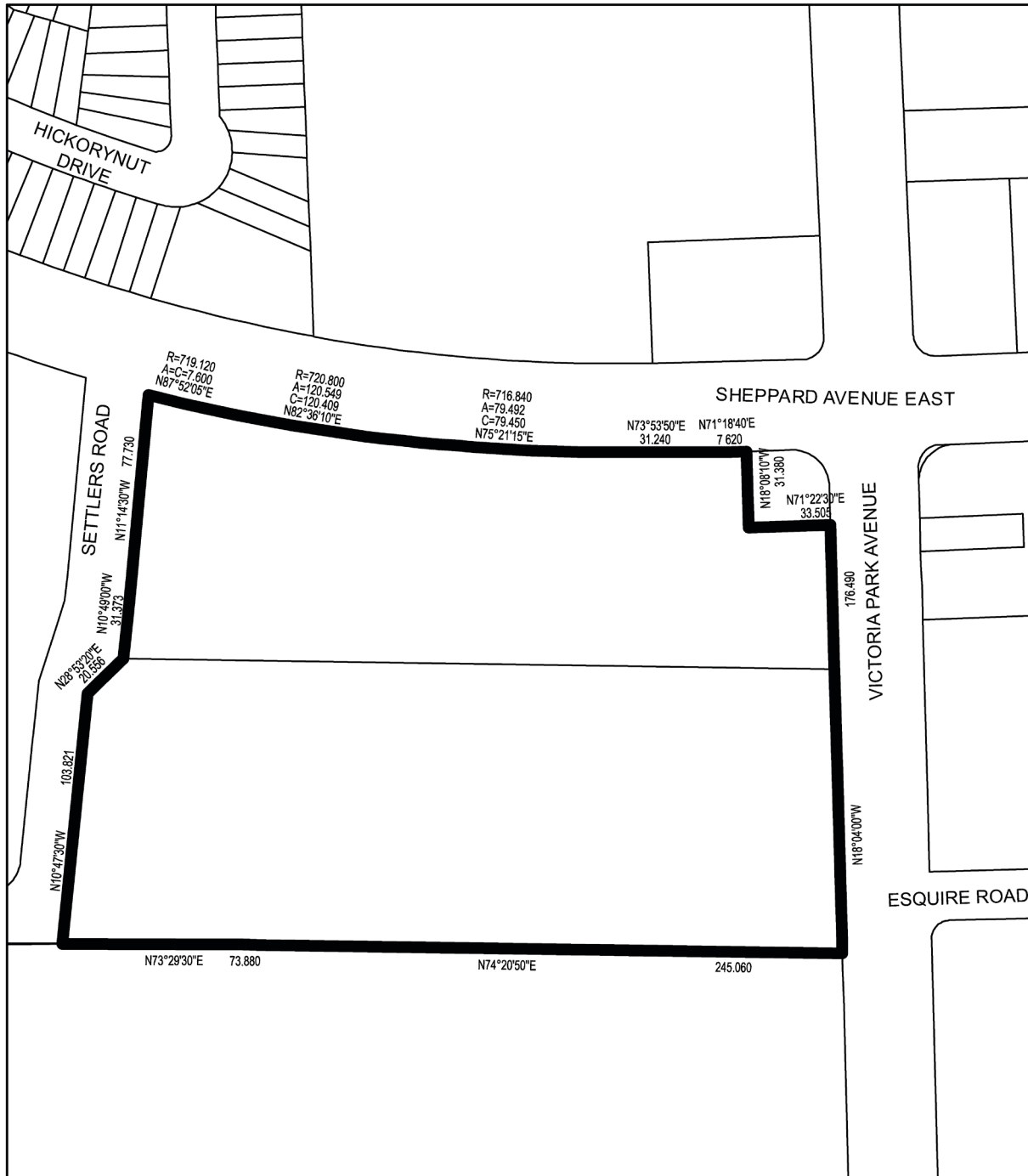
- 5. The owner shall enter into one or more agreements with the City, pursuant to Section 37 of the Planning Act which are registered on title to the lands to secure the matters provided for in Schedule A.
- 6. Wherever in the By-law a provision required the execution and registration of an agreement entered into with the City pursuant to Section 37 of the Planning Act in accordance with the provisions of Schedule A hereof, then once such agreement has been

executed and registered, the increase of height and density shall continue to be effective notwithstanding any subsequent release or discharge of any part of such agreement.

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Diagram 1



2550 Victoria Park Avenue and 2,4,6 Lansing Square

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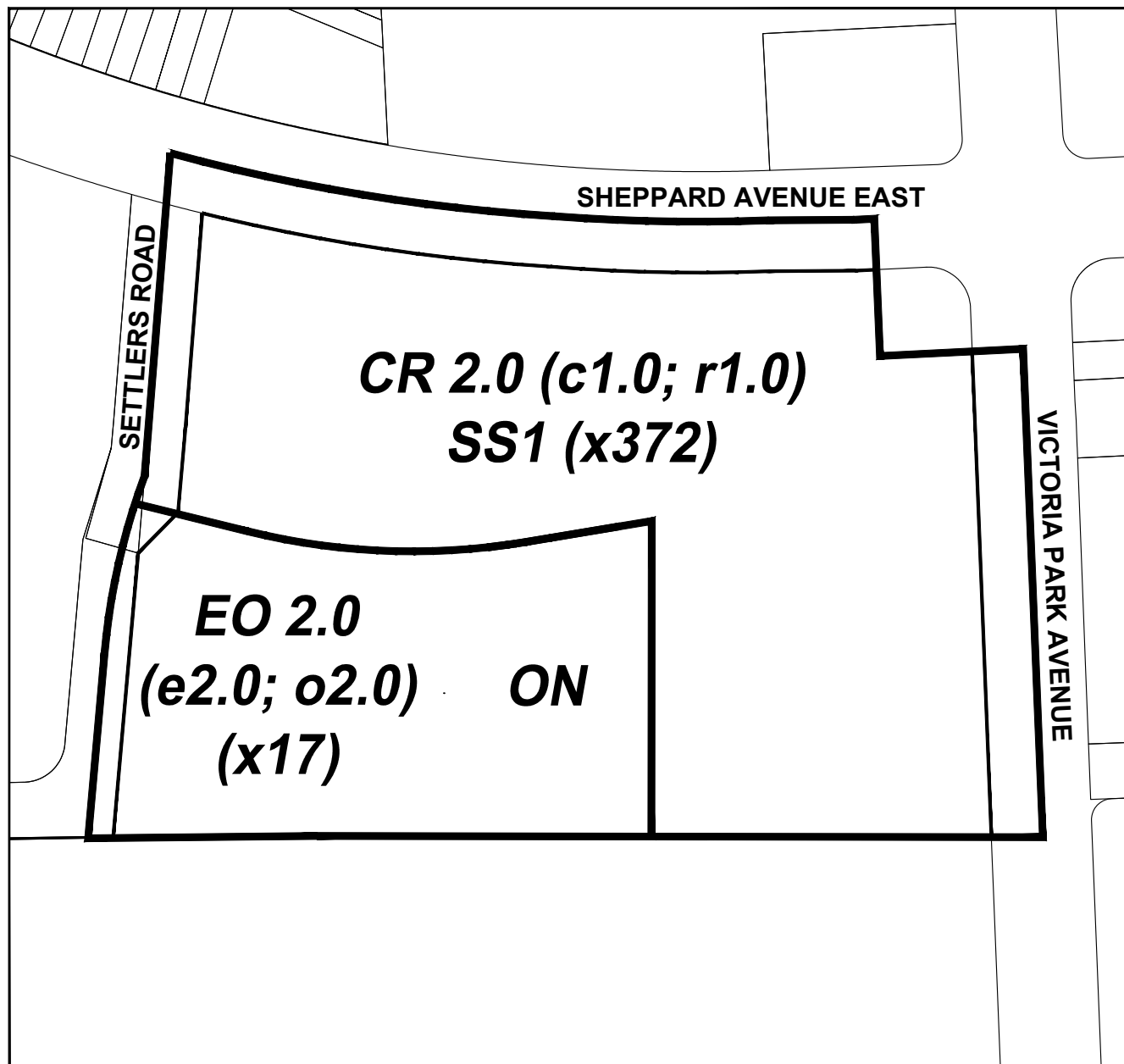


Diagram 3

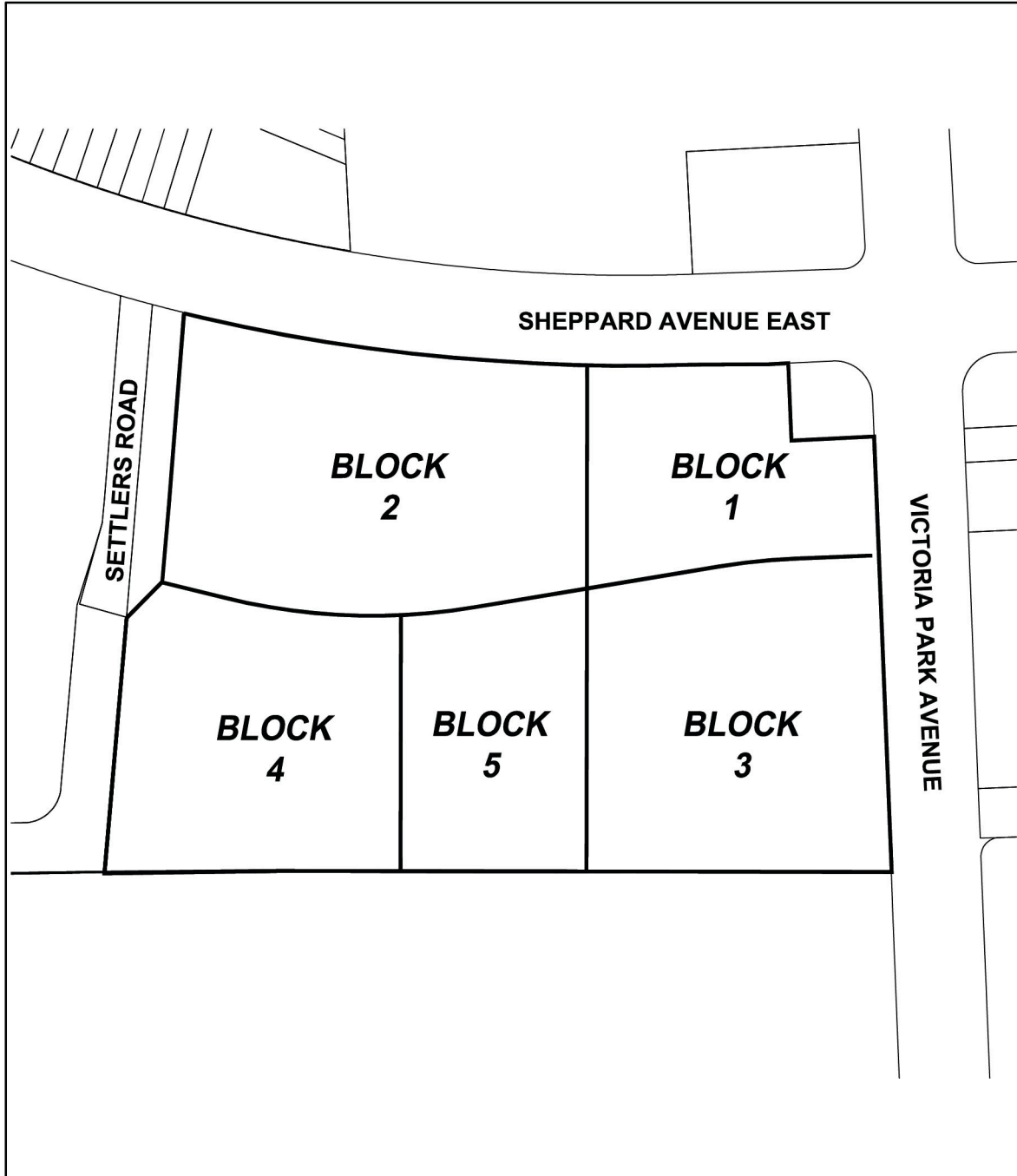


Diagram 4

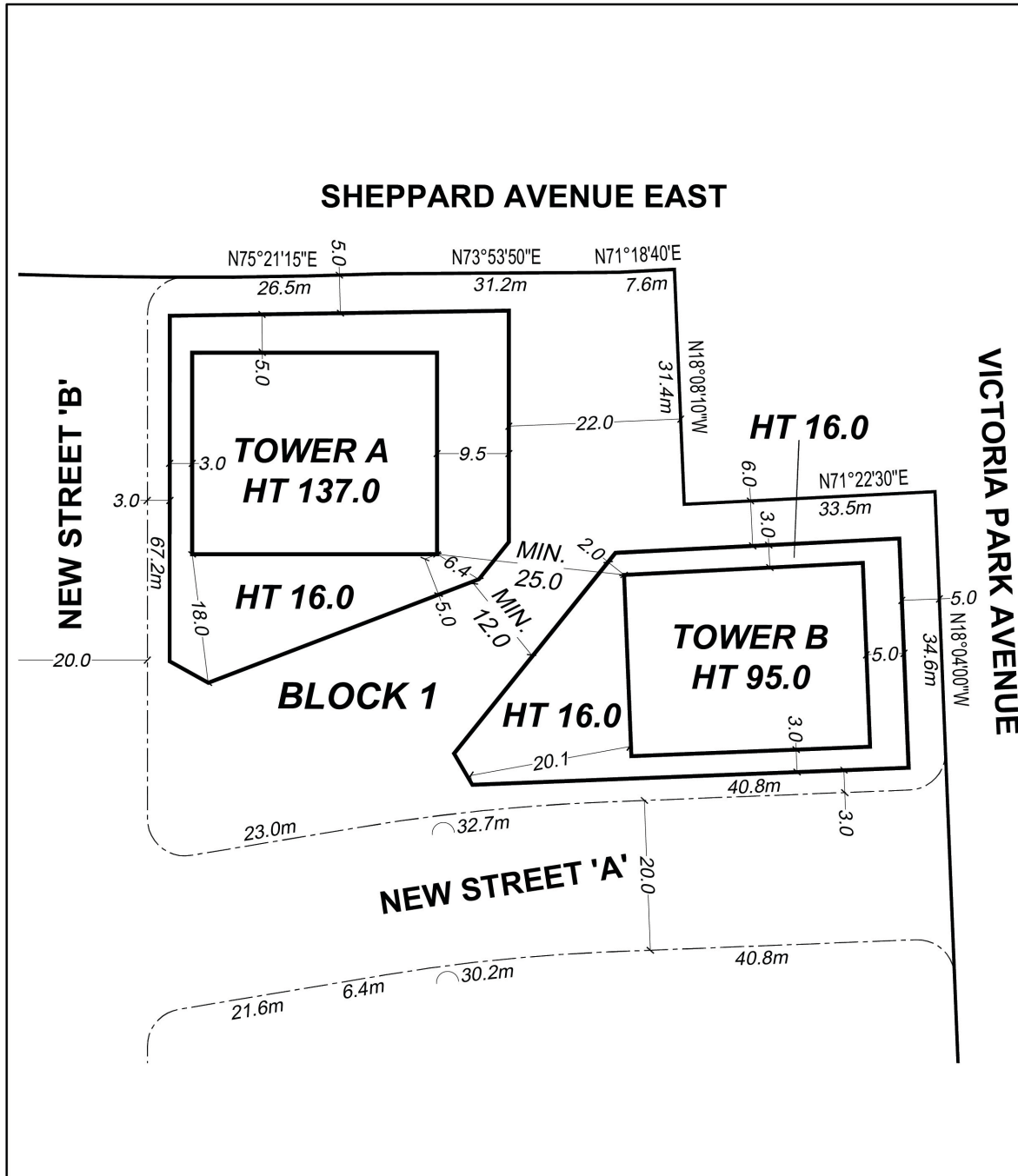


Diagram 5

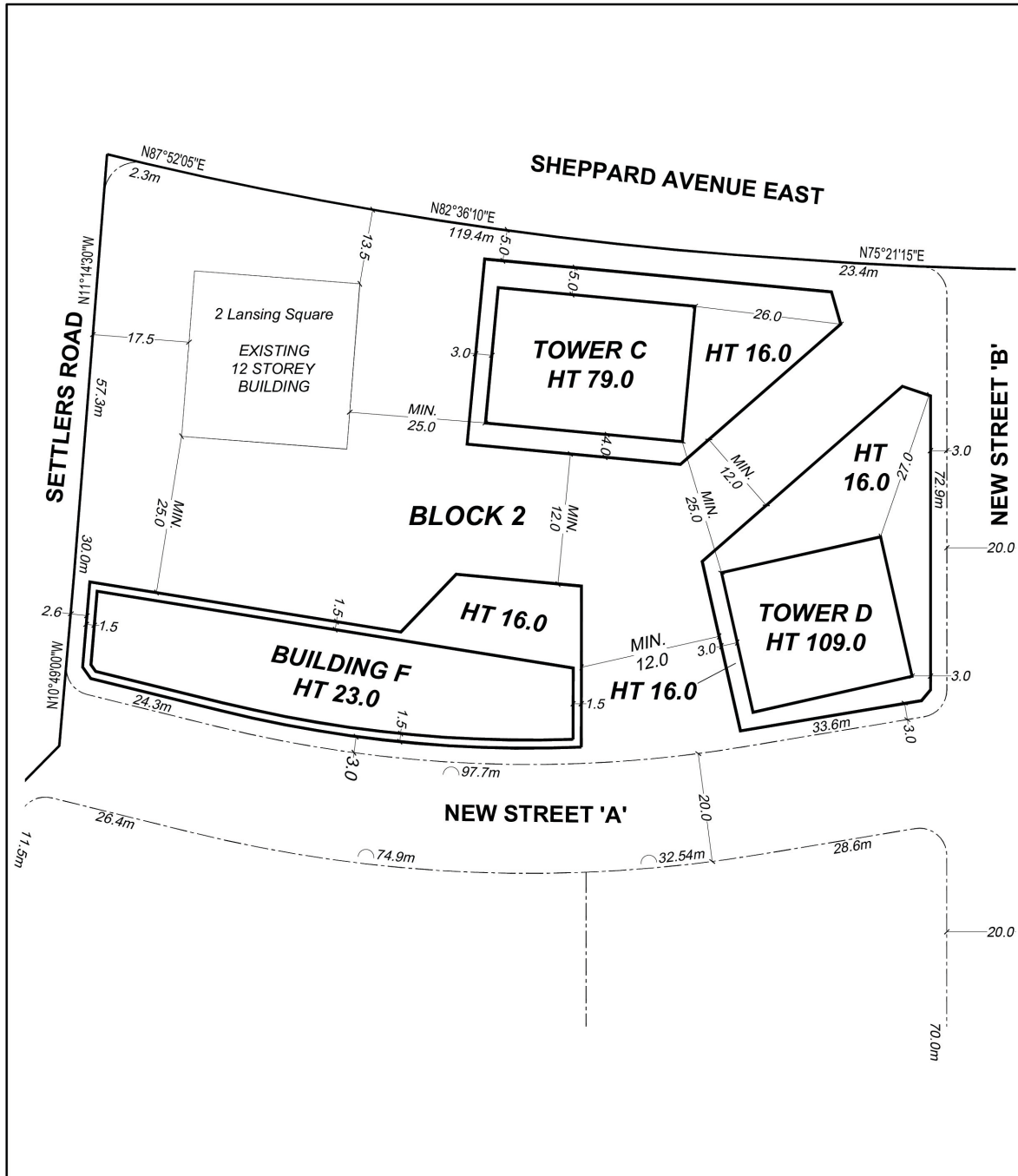
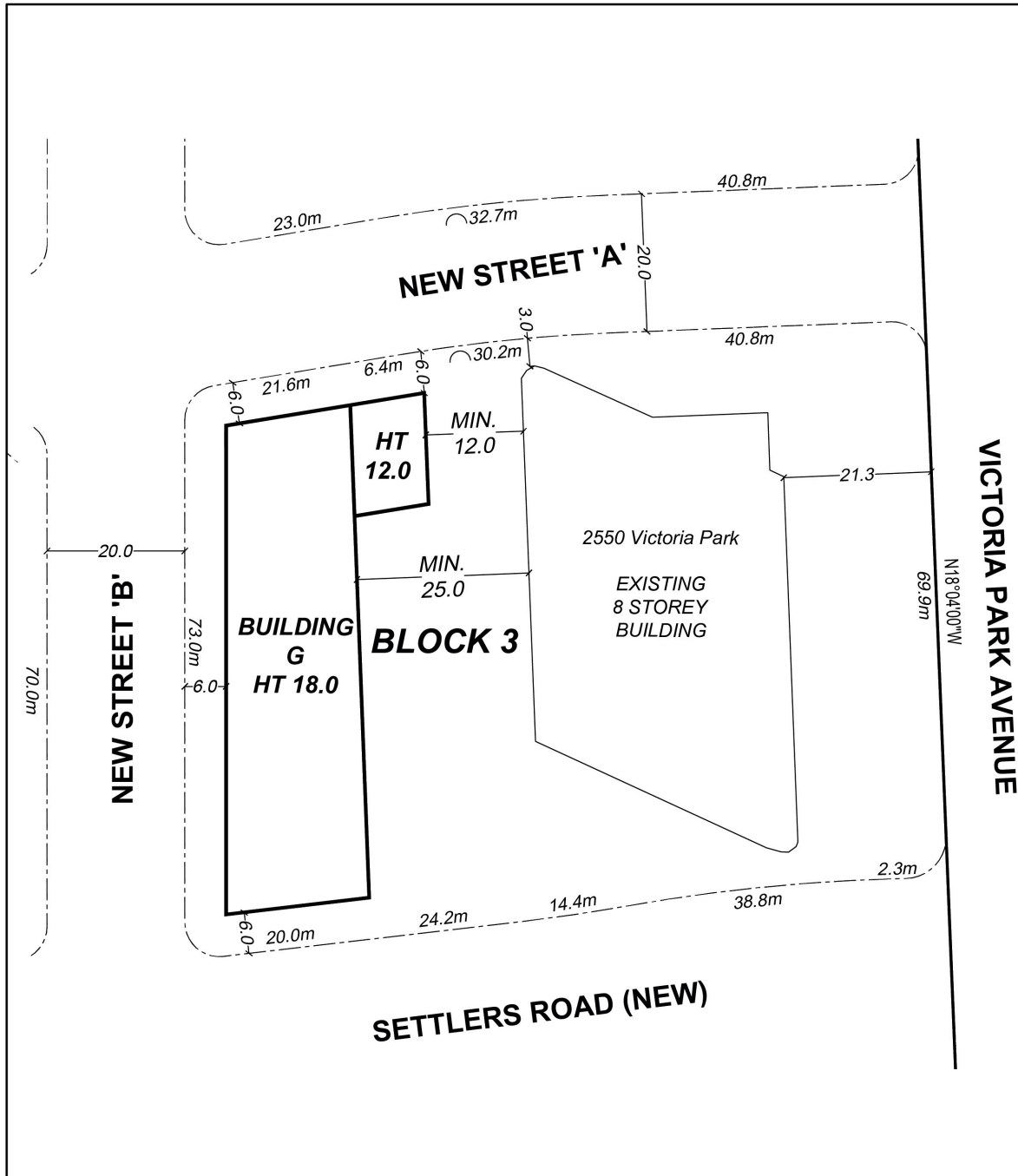
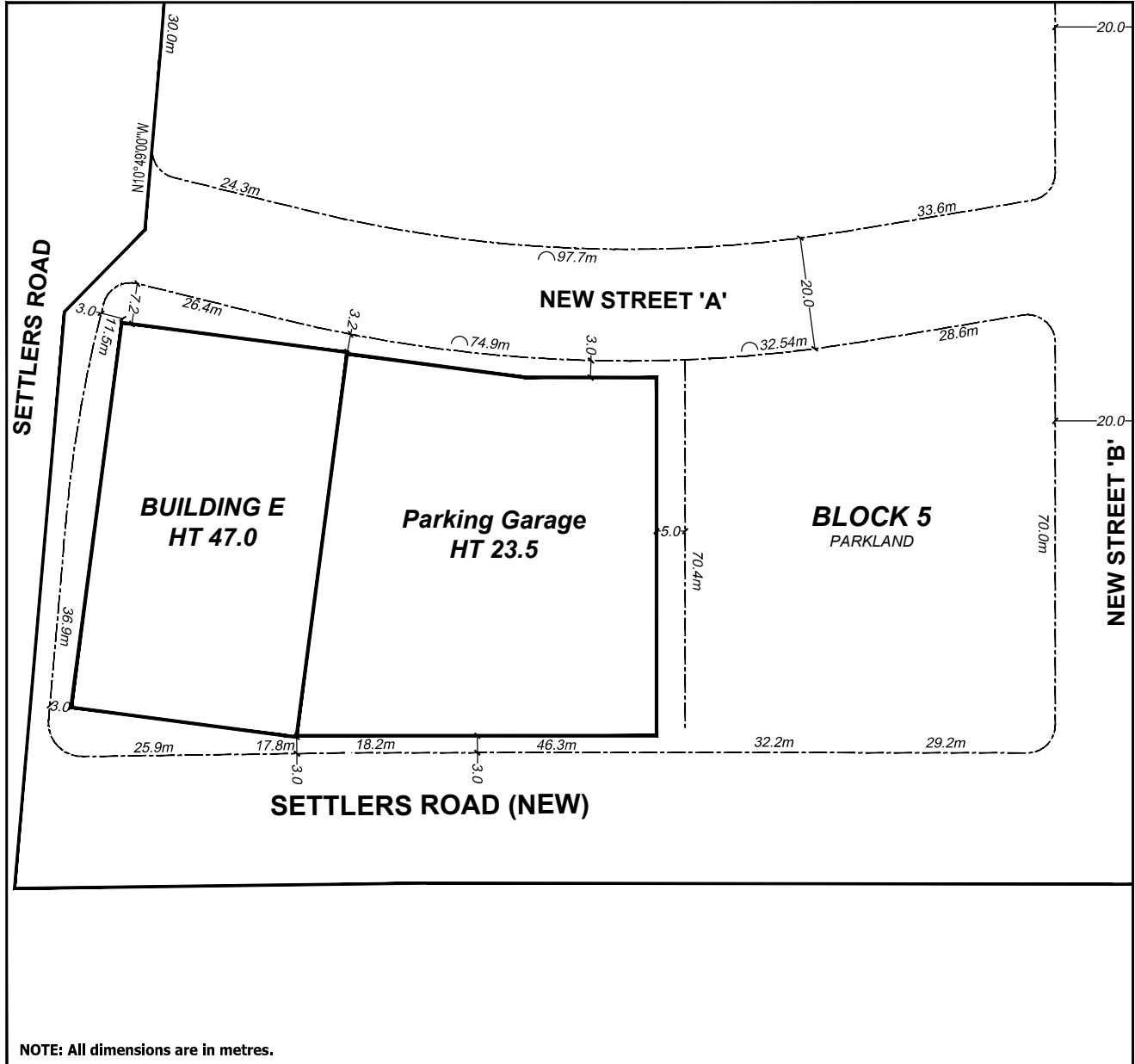


Diagram 6





NOTE: All dimensions are in metres.

Diagram 8

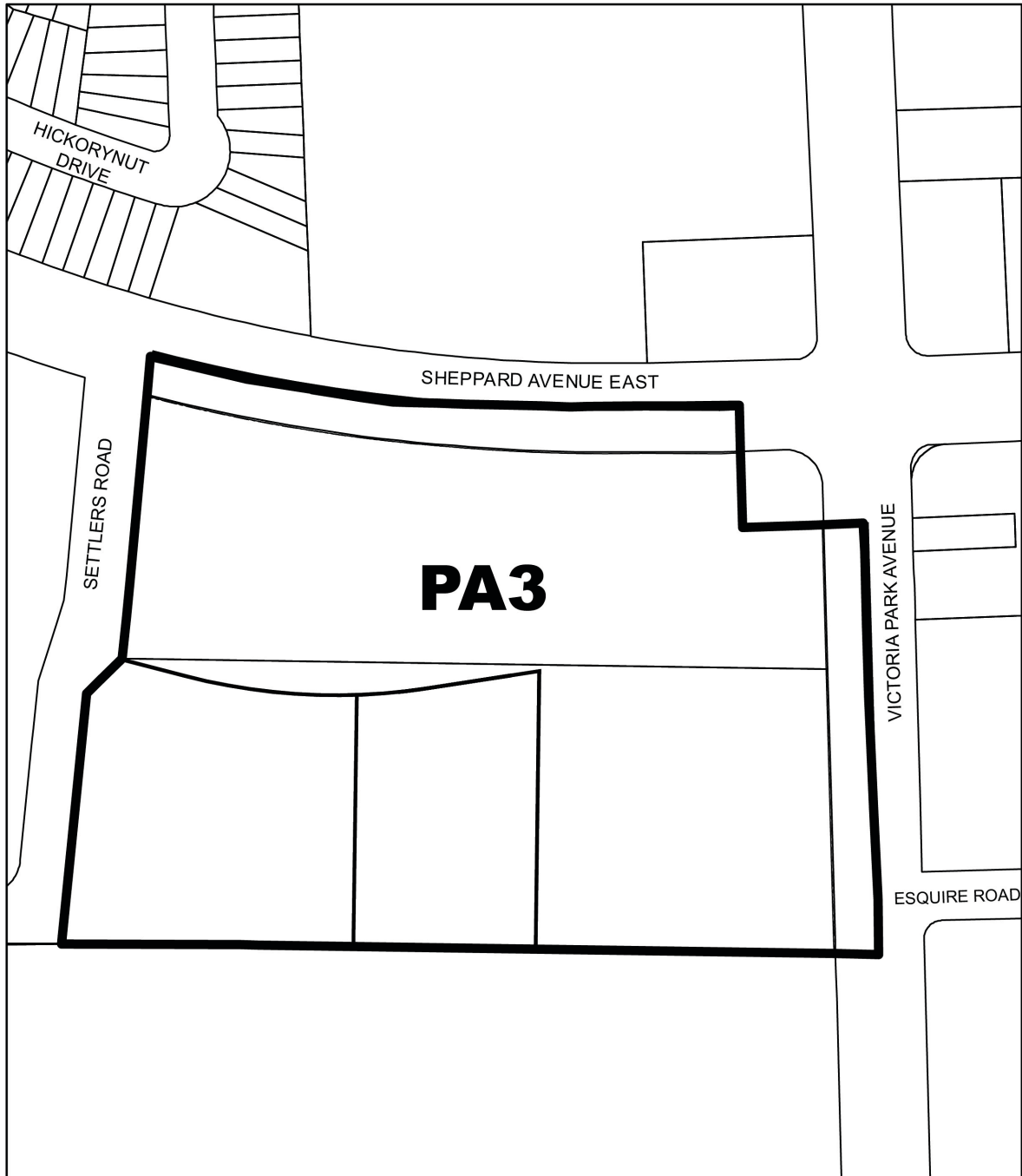


Diagram 9

