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October 15, 2024

Our File No.: 222178

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

Attention: Marc Hardiejowski and Adam Ward, Solicitors, Legal Services Division

Dear Sirs:

Re: **4630 Kingston Road, Toronto, Ontario**
City of Toronto File Nos. 21 250500 ES 25 OZ
Appeal of Rezoning and Site Plan Applications pursuant to subsection
34(11) of the *Planning Act* and subsection 114(15) of the City of Toronto Act, 2006

We are solicitors for Park Central GP Inc. in respect of the property known municipally in the City of Toronto as 4630 Kingston Road (the “**Property**”).

As set out further below, following the issuance of the interim order of the Ontario Land Tribunal (the “**Tribunal**”) approving the rezoning application, as amended and subject to pre-requisites being met, our client, with the benefit of receiving further input from City staff, has identified opportunities to improve the development that would deliver it as a rental project with more homes than originally anticipated. While the proposal remains very similar to what was approved by City Council and the Tribunal in its interim order, there are sufficient differences to warrant renewed consideration by City Council. Accordingly, we write to make a revised settlement offer to City Council for its consideration at its meeting scheduled to commence on November 13, 2024.

As you know, on June 9, 2023 our client made a without prejudice settlement offer (the “**Offer**”) that City Council accepted to resolve the above noted appeal of the rezoning application for the Property (the “**ZBA Appeal**”). The Offer proposed a redevelopment of the Property with:

1. A 13 storey mid-rise building with three wings having some ground floor retail uses, and residential uses above (more than 500 residential units), with stepbacks as shown on the plans submitted with the offer.
2. 707 square metres of retail space, 274 underground parking spaces for cars, and 386 bicycle parking spaces.

3. Total amenity space of 2,056.6 square metres is provided with 699.6 square metres being indoor amenity space.
4. A 272 square metre privatized commercial space fronting Kingston Road that is intended to act as a well-maintained co-working and shared office facility for residents of the building and that will also service the broader community. The commercial space is adjacent to a 164 square metre indoor amenity space, which all residents would have access to.

The Offer also included pre-requisite conditions to be met prior to a final and binding order being issued by the Tribunal, including City satisfaction with updated studies and the form of the amending zoning by-law. The related site plan appeal was to be adjourned *sine die* to allow the parties time to resolve all matters relating to site plan approval.

Following City Council's acceptance, on September 25, 2023 the Tribunal convened an oral hearing to consider the approval of the ZBA Appeal, as amended with pre-requisites to be met, to facilitate the development in accordance with the Offer. On February 14, 2024 the Tribunal delivered a memorandum of oral decision and interim order (the "**Interim Order**"). Our client has been working with City staff to clear the pre-requisites since the Interim Order was issued. While carrying out that work, our client has found opportunities to deliver this project as a rental building and create more housing in a thoughtful manner that continues to represent good planning. The result of that work is illustrated in revised plans, prepared by Turner Fleischer and dated September 27th, 2024 (the "**Revised Plans**"), which may be accessed at this link: <https://spaces.hightail.com/receive/zkW5keLbWB>

The Revised Plans are very similar to the plans that supported the Offer. The proposal continues to be based upon a 13 storey mid-rise building with three wings having some ground floor retail uses, and residential uses above. The proposal will continue to comply with the Growing Up Guidelines by providing at least 15% of the residential units as 2 bedroom units and 10% as 3 bedroom units. Some of the set-backs have changed modestly to allow additional housing to be delivered and the key differences between the plans supporting the Interim Order and the Revised Plans are summarized here:

- a. The total residential gross floor areas has increased from 31,666 m² to 33,040m²;
- b. Total building height has been reduced from 42.55m to 39.45m;
- c. The total number of new housing units has increased from 514 to 593;
- d. The number of residential parking spaces has increased from 239 to 259 (visitor parking increased from 28 to 31);
- e. Indoor amenity space has increased from 699m² to 870m². Outdoor Amenity Space has increased from 1357m² to 1,899m²; and,

- f. The Kingston Road and Orchard Park setbacks were revised from 6.5m and 3m to 5m and 1.5m, respectively, in order to provide greater material articulation for the retail component of the project.

A draft amending by-law that implements the proposed development in accordance with the Revised Plans is enclosed. We note that the draft by-law limits the height of the mechanical penthouse to 6m.

To deliver this improved project that would deliver rental housing, our client presents for City Council's consideration the following terms of this revised settlement offer:

1. The revised settlement offer is based on the Revised Plans, which would be implemented through the resulting zoning by-law amendment(s).
2. The parties are to present the Revised Plans and the resulting zoning by-law amendment(s) to the Tribunal for approval and issuance of a final and binding order as soon as practicable following City Council's acceptance of the revised settlement offer.

Our client has submitted technical studies to support the Revised Plans and a draft amending by-law to implement the proposed development. We expect that the technical studies will be satisfactory to the respective municipal officials and hope that City staff will be able to complete their review and confirmation of satisfaction of the same before or within a short time after the City Council meeting scheduled to commence on November 13, 2024. As detailed more fully below, the timing to get zoning in place for the proposed development is limited in order to achieve a rental program. Our client is agreeable to the following pre-conditions to requesting a final order from the Tribunal (the **"Pre-Conditions"**):

- a. the amending by-law is finalized, in a form and content acceptable to the City Solicitor and Chief Planner and Executive Director, City Planning, in a manner that implements the proposed development;
- b. the applicant has submitted a Traffic Impact Study and Transportation Demand Management Plan to the satisfaction of the General Manager, Transportation Services and the Program Manager, District Transportation Planning Unit, Scarborough District;
- c. the applicant has addressed comments raised in the March 29, 2022 memorandum from the Toronto Transit Commission, to the satisfaction of the Toronto Transit Commission;
- d. the applicant has included, in the site specific by-law, a requirement to provide space within the development for installation of maintenance access holes and sampling ports on the private side of the property, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681;

e. the applicant has submitted to the Chief Engineer and Executive Director, Engineering and Construction Services for review and acceptance, a Site Servicing Review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate;

f. the applicant has entered into a financially secured Development Agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the Site Servicing Review accepted by the Chief Engineer and Executive Director, Engineering and Construction Services; and,

g. the applicant has submitted revised plans/reports/documentation with respect to Parts b., d., e., and f. above, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

With respect to item c. of the Pre-requisites, the Toronto Transit Commissions reviewer has confirmed with our client that they are satisfied that the comments raised in the March 29, 2022 memorandum from the Toronto Transit Commission have been addressed. Accordingly, we hope and expect the City will be able to confirm the same without delay. Regarding the other Pre-requisites, our client requires the City's commitment to review and comment on the submitted studies and materials as quickly as possible, failing which, the proposed development may not materialize.

We note that our client has connected with the Canadian Mortgage and Housing Corporation and has its support to submit an application for approval under its ACLP program. This could pave the way to better affordability for housing in an area of the City that needs it greatly. We note that funding delivered through the ACLP program requires that buildings be maintained as rental for the duration of the loan term and that obligation is secured in the terms of financing. Our client's ability to access that funding will depend on whether it has the City's support for this revised proposal and our collective ability to get the approval secured with the Tribunal urgently. With the City's support in approving this revised settlement offer and a timely submission to the Tribunal, our client will be able to deliver this much needed rental housing.

As noted above, our client respectfully requests that this revised settlement offer be considered by City Council at its meeting scheduled to commence on November 13, 2024. Further, our client requests that City Council direct City staff to work with our client to clear all of the Pre-requisites in the most timely manner possible.

Our client greatly appreciates the hard work of City staff that has enabled the presentation of this revised settlement offer to City Council and looks forward to working with them further to make this important rental housing project a reality.

Yours truly,

Goodmans LLP



Rodney Gill

RJG/

Encl. Draft Zoning By-law

1386-8860-7760