

Appendix "1"

Goodmans^{LLP}

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November 28, 2012

Our File No.: 12-1864

Via Email

City Council, City of Toronto
100 Queen Street West
Toronto, ON
M5H 2N2

Attention: Amanda Hill

Dear Sirs/Mesdames:

**Re: OMB Case No. PL120837
2400 Bathurst Street**

As you know, we are solicitors for Upper Forest Hill Suites II Ltd., the owner of the property known municipally as 2400 Bathurst Street in the City of Toronto (the "Subject Property"). We are writing on a without prejudice basis with a settlement offer regarding our client's Ontario Municipal Board appeals in respect of the Subject Property. We understand that Toronto and East York Community Council has instructed the City solicitor to report on this offer to the November meeting of City Council.

The proposed settlement terms are as follows:

Rental Housing

1. The proposed redevelopment would include the replacement of all existing residential rental units and the provision of tenant relocation assistance. The unit mix to be provided for the rental housing shall be either the same unit mix as the existing building (One (1) studio, six (6) one-bedroom and twenty-three (23) two-bedroom units, and one (1) three-bedroom unit), or alternatively shall be as follows: One (1) studio; seven (7) one-bedroom; twenty-two (22) two-bedroom and one (1) three-bedroom.
2. The floor area of the replacement units may be smaller than the floor area of the existing rental units, provided that the reduced unit areas will generally be approximately 90% of the existing residential rental units. Up to eight of the replacement 2-bedroom units may contain a single bedroom that is an interior bedroom.

3. All replacement rental units will include ensuite laundry facilities and central air, as well as access to new indoor and outdoor amenity space, bicycle parking and new lockers. Seventeen parking spaces will be provided for tenants, as well as six visitor parking spaces. The tenants will have direct access to the garbage chute and will also be able to access the rental lobby via the condominium lobby (to assist tenants dropped off at the building because taxis cannot stop on Bathurst Street).
4. In addition to the rental housing matters included in this settlement proposal, the revised plans and terms for the replacement of the rental units, and the tenant relocation and assistance plan, shall be in accordance with standard City practice and policies, and to the satisfaction of City Council upon its review of the Section 111 Application.

Parking

5. The proposed redevelopment would provide 149 spaces, with 2 car share spaces at-grade.

Built Form

6. The proposed redevelopment will be revised to a height of 11 storeys, along with a mechanical penthouse wrapped with habitable residential space that extends to a height of 43.0 metres and 42.0 metres, as shown on Map 2 of the attached zoning by-law.
7. The maximum number of units shall be 147, of which, at least 35 percent (35%) of the total number of *dwelling units* shall have two or more bedrooms.
8. The third floor terrace shall include a landscaped buffer of a width of approximately 3.25 metres and an overall height of approximately 3.0 metres (consisting of a permanent raised planter and evergreen or deciduous shrubs/trees), with final details to be determined and secured through the site plan approval process. The intention of this landscaped buffer is to prevent views down to the neighbouring properties.
9. The fifth floor terrace shall include a landscaped buffer of a width of approximately 1.8 metres and an overall height of approximately 2.5 metres (consisting of a permanent raised planter and evergreen or deciduous shrubs/trees), with final details to be determined and secured through the site plan approval process. The intention of this landscaped buffer is to prevent views down to the neighbouring properties.
10. A landscaped buffer shall be provided for the garbage/loading zone, with the details to be secured through the site plan approval process.
11. Our client would agree to increase sidewalk width for Bathurst Street immediately adjacent to the Subject Property, with the extent of any such sidewalk widening to be determined and secured through the site plan approval process.

Section 37

12. Our client would agree to provide a financial contribution in the amount of \$800,000.00, indexed pursuant to the standard City clause, prior to issuance of an above-grade building permit, to be used for capital improvements to local parkland in Ward 21 and beautification and street enhancement projects in Ward 21 in consultation with the local councillor.

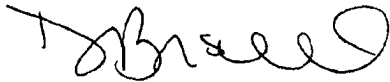
We hope that the settlement offer will be accepted by City Council. The offer will remain open until the close of this meeting of City Council, at which time it should be considered withdrawn.

If the settlement offer is acceptable, we would respectfully request that the City solicitor obtain direction to settle, enter into all appropriate agreements and finalize the zoning by-law amendment, generally in the form attached hereto, without having to return to City Council for direction. Some of these matters would also be need to be secured, in time, through site plan approval.

Please do not hesitate to contact me if further information is required.

Yours very truly,

Goodmans LLP



David Bronskill
DJB/
cc: Client

v6146384

CITY OF TORONTO
BY-LAW NO. -2012

**To amend the General Zoning By-law No. 438-86, as amended, of the former City of
Toronto with respect to the lands municipally known as
2400 Bathurst Street**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

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*;

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council or a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the by-law;

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an *owner* of land elects to provide facilities, services or matters in return for any 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;

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth;

WHEREAS the increases in density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provisions of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to as the "City");

WHEREAS the Official Plan of the City of Toronto contains provisions relating to the authorization of the height and density of development; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Section 2 with respect to "*height*", "*lot*" and "*grade*" and Sections 4(2), 4(4), 4(12), 4(13), 4(16) and 6(3) of By-law No. 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters

relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, and none of the provisions of By-law 438-86, shall apply to prevent the erection and use of an *apartment building* on the lands delineated by heavy lines on Map 1 attached to and forming part of this by-law (hereinafter referred to as the “*lot*”), being municipally known as 2400 Bathurst Street, provided:

- (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- (b) the total *residential gross floor area* erected or used on the *lot* shall not exceed 14,100 square metres excluding all residential *amenity space*;
- (c) a maximum of 147 *dwelling units* shall be permitted of which 35% shall be *dwelling units* with 2 or more bedrooms and 31 *dwelling units* would be secured as rental *dwelling units* comprised of: 1 bachelor *dwelling unit*, 7 1 bedroom *dwelling units*, 22 2 bedroom *dwelling units* (including up to 8 units with one interior bedroom) and 1 three bedroom *dwelling unit*.
- (d) no portion of any building or structure above *grade*, is located other than wholly within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law, with the exception of the following:
 - (i) canopies, cornices, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, window washing equipment, guardrails, balustrades, railings, stairs, wheel chair ramps, vents, fences, screens, landscape and public art features may project to a maximum of 2 metres beyond the heavy lines on the attached Map 2; and
- (e) the *height* of any building or structure, or portion thereof erected or used on the *lot*, including the elements provided for in Section 4(2) (a) (i) does not exceed the *heights* in metres as shown on the attached Map 2 or exceed 13 *storeys*.
- (f) Paragraph (e) above does not prevent the erection or use of the following:
 - (i) window washing equipment, roof access hatches, vents, stacks, pipes, and chimneys provided:
 - a. The maximum *height* of the top of such elements:
 - i. is no higher than the sum of three metres and the *height* limit as shown on Map 2
 - b. Such elements or structures are not within 2 metres of an adjacent outside wall or vertical projection of the wall.
 - c. The aggregate horizontal area of such structure, including the area contained within an enclosure, measured at a point above the

level of the *height* limit, does not exceed 30 percent of the area of the roof of the building; and

d. The width of such structure, including the width of an enclosure, within an enclosure does not exceed 20 percent of the width of the main wall of the building facing the *lot* line, provided the width is to be measured parallel to the *lot* line.

(ii) parapets and ornamental elements may extend up to 1.2 metres above the *heights* in metres as shown on the attached Map 2 where the *height* is 35.5 metres or less

(g) the minimum *residential amenity space* for use by condominium units shall be:

Interior 374 square metres

Exterior 232 square metres

(h) the minimum *residential amenity space* for use by rental units shall be:

Interior 47 square metres

Exterior 45 square metres

(i) a minimum ratio of *parking spaces* per *dwelling unit* to be provided and maintained on the *lot* for condominium *dwelling units* shall be:

Bachelor units	0.80 spaces per unit
1 - bedroom units	0.90 spaces per unit
2 - bedroom units	1.00 spaces per unit
3+ bedroom units	1.2 spaces per unit
Visitors	0.2 spaces per unit

(j) a minimum ratio of *parking spaces* provided and maintained on the *lot* for rental *dwelling units* shall be:

Dwelling unit	0.55 spaces per unit
Visitor	0.20 spaces per unit

(k) For each on-site *car-share parking space* provided on a lot up to a maximum of 2 *car-share parking spaces*, the minimum resident parking required by paragraph (i) and (j) above shall be reduced by 5 *parking spaces*.

- (l) a maximum of 12 *parking spaces* shall be exempt from the provisions of Section 4(17)(c);
- (m) the minimum number of bicycle parking spaces provided and maintained on the *lot* for dwelling units shall be:

Bicycle Parking Space - <i>Occupant</i>	89 <i>parking spaces</i>
Bicycle Parking Space - <i>Visitor</i>	22 <i>parking spaces</i>

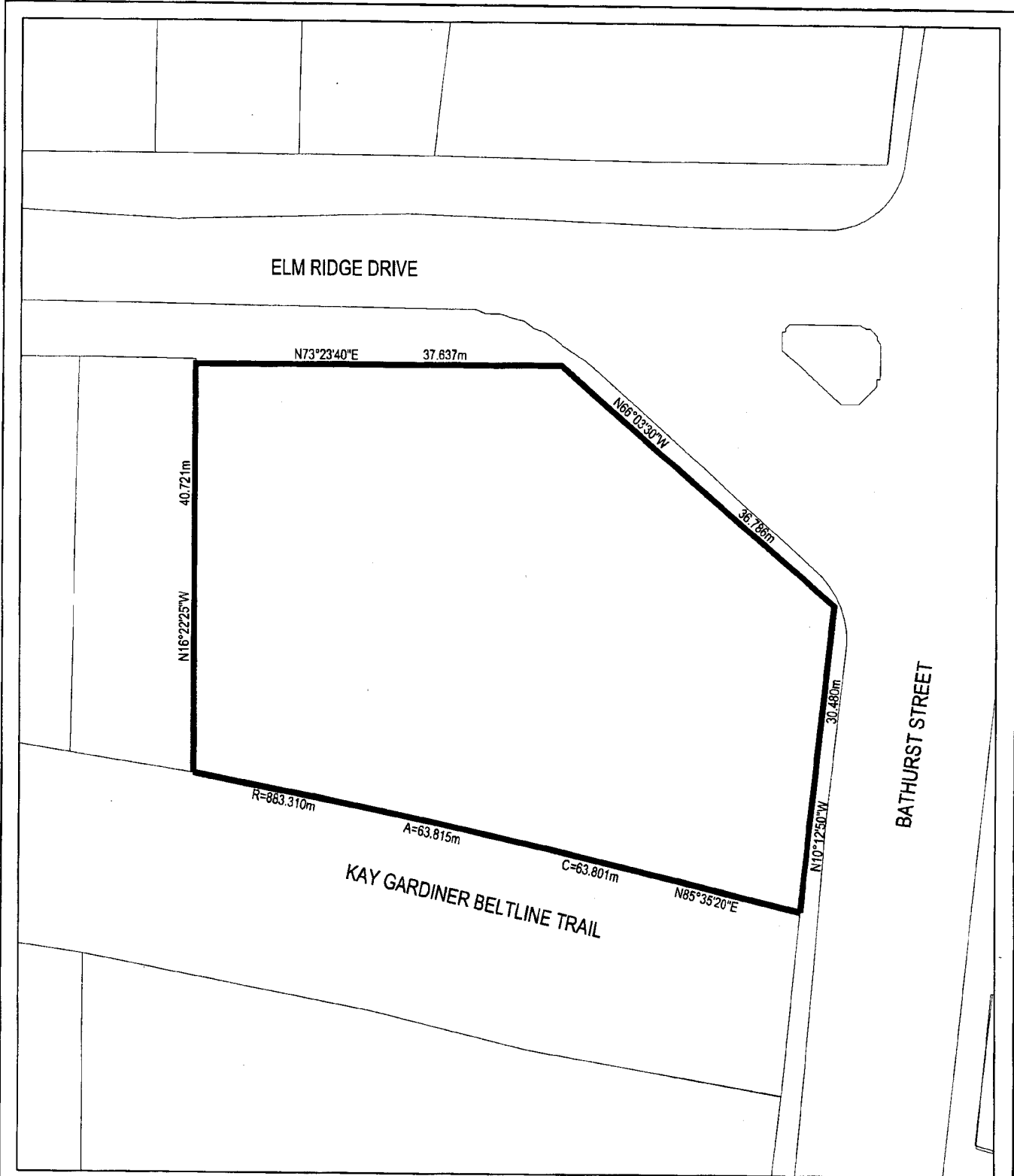
- 2. For the purposes of this By-law,
 - (a) each word or expression that is italicized in the By-law herein shall have the same meaning as each word or expression as defined in By-law No. 438-86, as amended unless the contrary is expressed in this By-law;
 - (b) “*grade*” means 177.11 metres Canadian Geodetic Datum;
 - (c) “*height*” means the vertical distance between *grade* and the highest point of the building or structure except for those elements otherwise expressly prescribed in this By-law.
 - (d) “*lot*” means those lands delineated by heavy lines on the attached Map 1; and,
 - (e) “*car share parking space*” means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.
- 3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
- 4. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.

ENACTED AND PASSED this ____ day of _____, A.D. 2012.

Appendix 1

Section 37

1. The owner shall provide \$800,000, indexed pursuant to the standard City clause, prior to issuance of an above-grade building permit, to be used for capital improvements to local parkland in Ward 21 and beautification and street enhancement projects in Ward 21 in consultation with the local councillor.
2. The owner shall replace the existing rental apartment units to the satisfaction of City Council, in accordance with standard practice and policies, applicable law and official plan amendment, as required. The terms regarding replacement and the provision of tenant relocation assistance will be secured in the Section 111 permit/agreement, zoning by-law amendment, Section 37 agreement and official plan amendment, if required.
3. The owner shall enter into an agreement with the *City* pursuant to Section 37 of the *Planning Act*, to secure the provision of said facilities, services and matters, in a form satisfactory to the *City's* Solicitor as set forth in this Appendix 1 with conditions providing for indexed escalation of financial contributions, no credit for development charges, indemnity, insurance, HST, termination and unwinding, and registration and priority of the agreement.



Map 1
 2400 Bathurst Street

City of Toronto

 Subject Site



