Barristers and Solicitors

Kim M. Kovar Direct: 416.865,7769 E-mail:kkovar@airdberlis.com

July 7, 2016

Our File No: 117530

WITHOUT PREJUDICE AND CONFIDENTIAL

VIA EMAIL

Jessica Braun Solicitor, Planning & Administrative Tribunal Law City of Toronto, Legal Services 26th Floor, Metro Hall 55 John St. Toronto ON M5V 3C6

Dear Ms. Braun:

Re:

Without Prejudice Settlement Offer 99 Sudbury Street, City of Toronto City File No: 14 135661 STE 18 OZ

We act on behalf of 2090416 Ontario Inc., the owner of the above-noted lands. The site is located on the south side of Sudbury Street, adjacent to the rail corridor, east of Lisgar Street and west of Dovercourt Road.

On March 31, 2014, our client filed an application for a site specific amendment to the former City of Toronto Zoning By-law 438-86 in order to permit a mixed-use building incorporating a hotel and accessory uses in the podium level, a residential tower above, and street related commercial and restaurant uses. Parking is to be provided below grade.

Since that time, our client and its team have participated in an extensive consultation process with City staff, public agencies and interested stakeholders. A community working group was convened and a series of meetings held. In response to feedback received, our client made a number of revisions to its proposal and a revised submission was made to the City on December 30, 2015 (drawings dated December 29, 2015).

On June 17, 2016, our client appealed Council's failure to issue a decision within the timeframe set out in subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13.

An Ontario Municipal Board hearing for this matter has yet to be scheduled however our client is prepared, on a without prejudice basis, to proceed to a future hearing based on additional revisions to the December 30, 2015 revised development proposal as described

below. Accordingly, we are writing to provide the following without prejudice offer for City Council's consideration.

The following changes are reflected on revised plans dated June 27, 2016 and July 5, 2016 attached to this letter. If City Council supports the revised proposal at its meeting commencing July 12, 2016, our client will formally revise its Zoning By-law appeal before the Ontario Municipal Board and proceed to a hearing on that basis. This offer is conditional upon acceptance by City Council at its meeting commencing July 12, 2016.

The following changes have been made to the proposal:

- the proposed building height has been reduced from 89.3 m to 63.8 m including mechanical penthouse. At this height, the building would be lower than the approved building at 2-6 Lisgar Street;
- 2. the total gross floor area has been reduced from 25,607 m² to 21,969 m²;
- 3. the residential gross floor area has been reduced from 15,916 m² to 10,339 m² and the unit count has been reduced from 190 to approximately 121 units, although it is proposed that should the hotel component of the building be reduced or eliminated, that space may be replaced with residential uses, or other commercial or office uses, all within the above-noted total of 21,969 m²;
- 4. the owner will comply with Metrolinx requirements with respect to all residential uses in the project;
- 5. the hotel and retail/restaurant gross floor area has increased slightly to 11,630 m². This is a result of creating some additional floor space on the 3rd floor within the existing building envelope (see A1.3), and enclosing hotel outdoor amenity area on the 4th floor (see A1.4);
- 6. the hotel and retail/restaurant gross floor area will be capped at 11,630 m²;
- 7. the outdoor restaurant area on the 4th floor shall face the railway corridor and shall be physically separated from the Sudbury Street frontage of the site;
- 8. there will be no "entertainment facility" in the building and the seating area of any individual restaurant on any individual floor shall not exceed 400 m²;
- 9. the event space in the building has been reduced to a maximum of 400 m². All areas in the building related to the event space shall not exceed a combined gross floor area of 1,246 m²; excluding back of house space but including all event space, meeting rooms, lobby areas and lounge areas associated with the event space.
- 10. residential amenity space continues to be provided at or in excess of the City requirement for 2.0 m² per unit indoor and 2.0 m² per unit outdoor amenity space;
- 11. bicycle parking will be provided in accordance with Zoning By-law No. 569-2013;



- 12. vehicle parking will be adjusted to reflect the revised mix of uses and gross floor area, and appropriate parking standards will be incorporated into the site specific zoning by-law to the satisfaction of the parties;
- 13. a minimum of 15% of the dwelling units shall contain at least 2 bedrooms and a minimum of 10% of the dwelling units shall contain at least 3 bedrooms;
- 14. the width of the West Toronto Rail Path link proposed to be incorporated into the development will be increased from 4.5 m to 5 m and will be maintained clear of obstructions, including outward opening doors, to a height of 6.0 metres;
- 15. in the event the City elects not to have the owner provide the West Toronto Rail Path link in the development as part of its section 37 contribution, the gross floor area of the building can be increased by 1,638 m², with the additional gross floor area being incorporated adjacent to the rail corridor in the podium levels of the building; and
- 16. our client proposes the following section 37 contribution:
 - a) \$250,000.00 to be allocated to the Theatre Centre or other non-profit arts organization in the neighbourhood to the satisfaction of the Chief Planner in consultation with the Ward Councillor, payable immediately upon issuance of the first above grade building permit;
 - b) \$800,000.00 to be allocated to the landing structure and access for a possible future King Highline bridge, or another appropriate local public benefit serving the neighbourhood to the satisfaction of the Chief Planner in consultation with the Ward Councillor;
 - c) the provision of an elevated West Toronto Rail Path link through the site to the satisfaction of the Chief Planner, currently having an estimated value of approximately \$1,008,000.00;
 - d) within 90 days of the Zoning By-law coming into force, or such longer period as the parties may agree, the City shall advise the owner if it elects to have the owner to incorporate either or both of the King Highline bridge landing or West Toronto Rail Path link in the project, failing which the owner shall be relieved of the obligation to provide same. If the City has not elected to have either or both of these elements incorporated into the project, then prior to the issuance of the first above grade building permit for the project, the owner shall pay the City the sum of \$800,000.00 if it is not providing \$800,000.00 toward the bridge landing and \$1,008,000.00 if it is not providing \$1,008,000.00 toward the West Toronto Rail Path link, to be spent on an appropriate local benefit serving the neighbourhood, to the satisfaction of the Chief Planner in consultation with the Ward Councillor; and



e) all monetary payments shall be indexed from the date of execution of the Section 37 Agreement to the date of payment.

This offer responds substantively to the issues raised by City Planning staff. As noted above, it is our intention that if Council accepts this offer we will proceed to the Ontario Municipal Board on the basis of these revisions. Accordingly, upon acceptance by City Council, this letter and the drawings submitted in connection therewith may be made public. It is understood that the parties will work together to finalize terms of a draft zoning by-law which reflects the foregoing prior to the hearing and any remaining issues may be resolved by the Municipal Board.

Should you have any questions, please do not hesitate to contact the undersigned or Laura Dean of our office at 416.865.7706.

Yours truly,

AIRD & BERLIS LLP

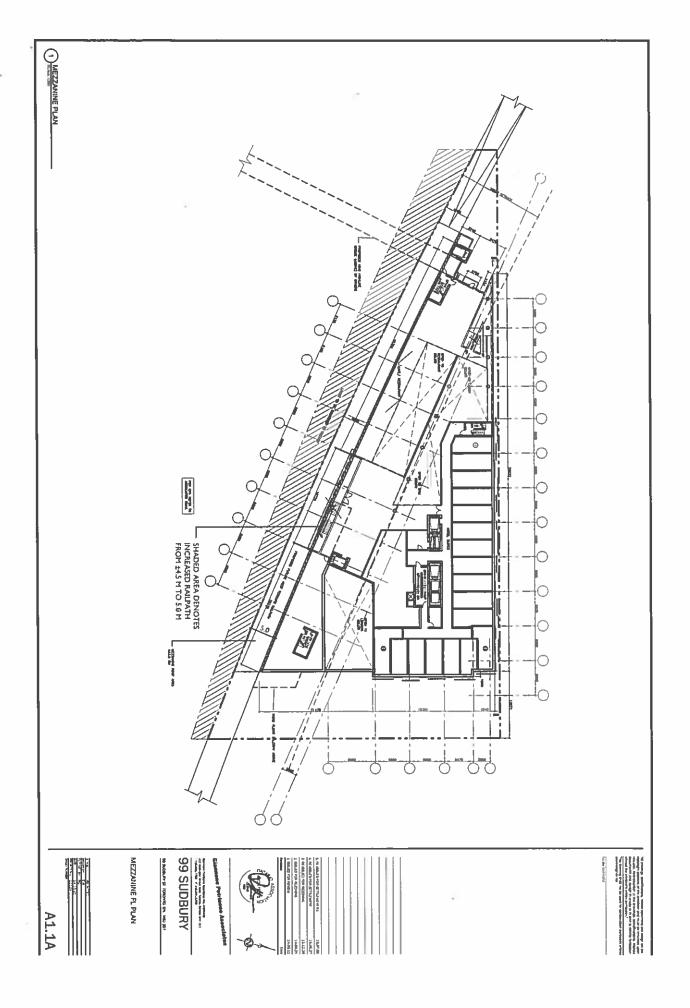
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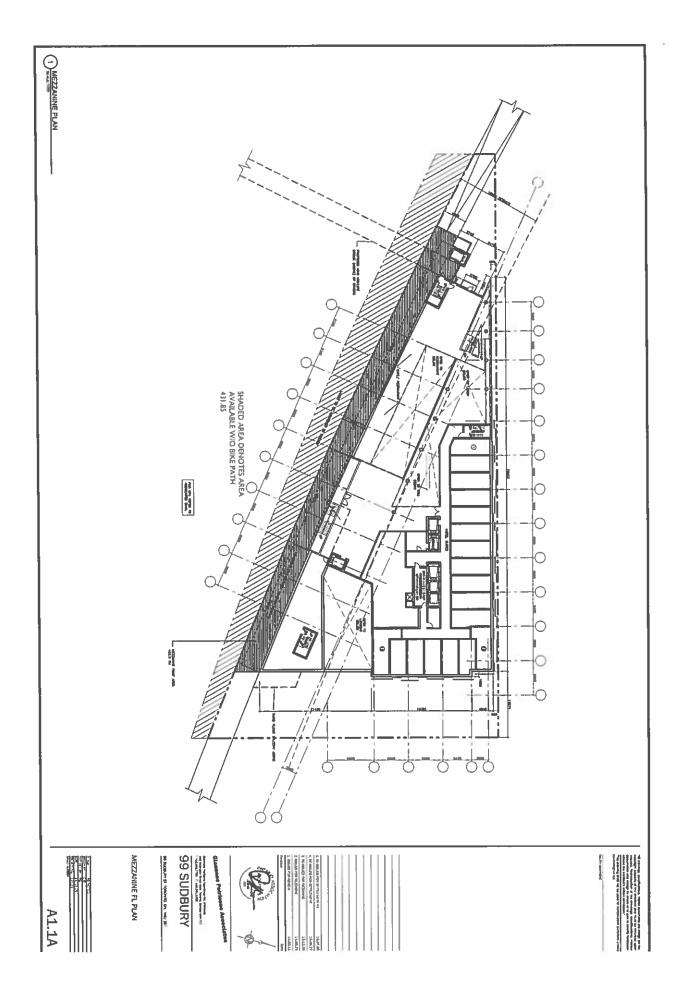
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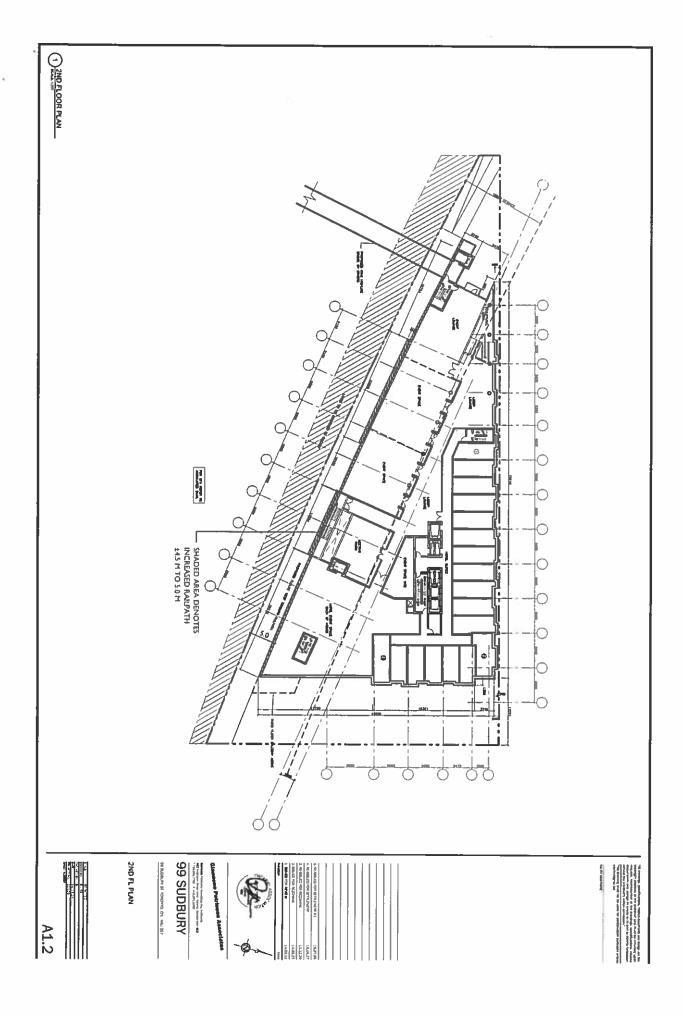
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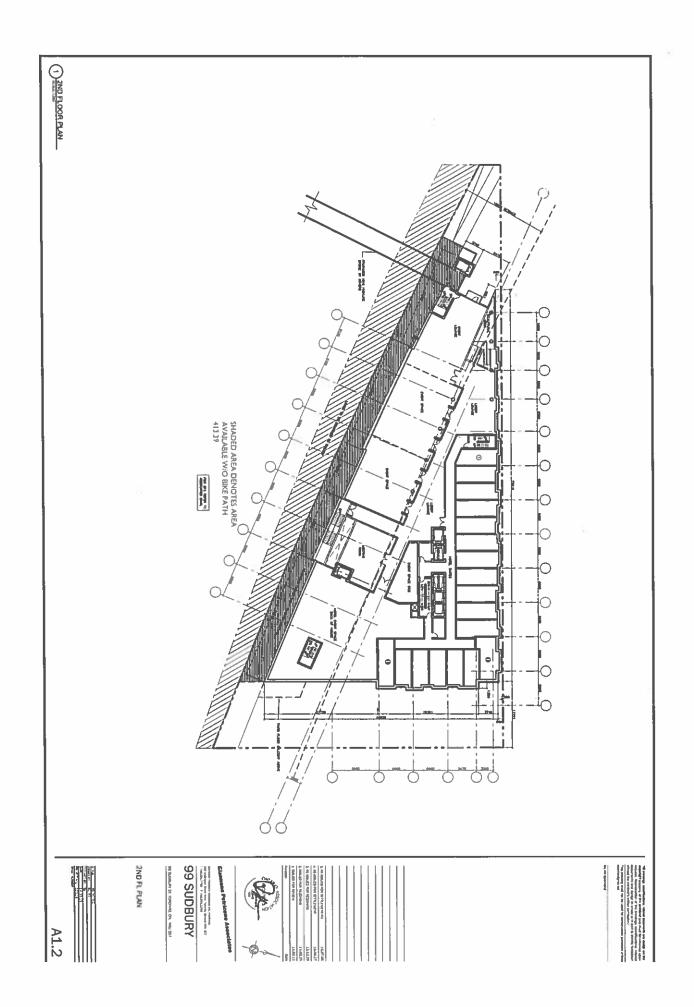
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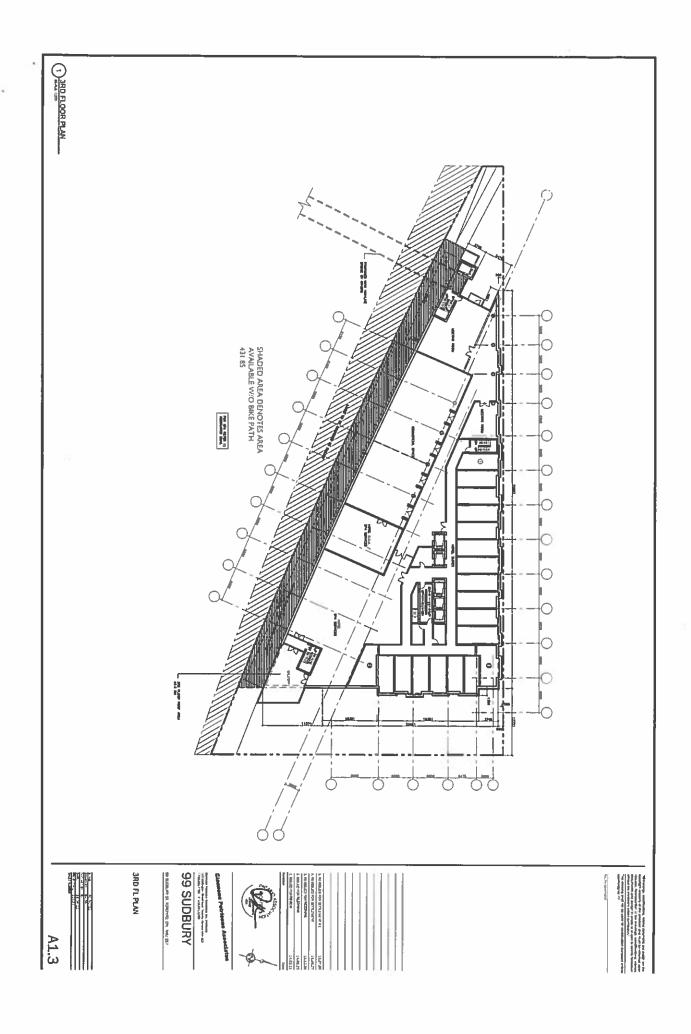


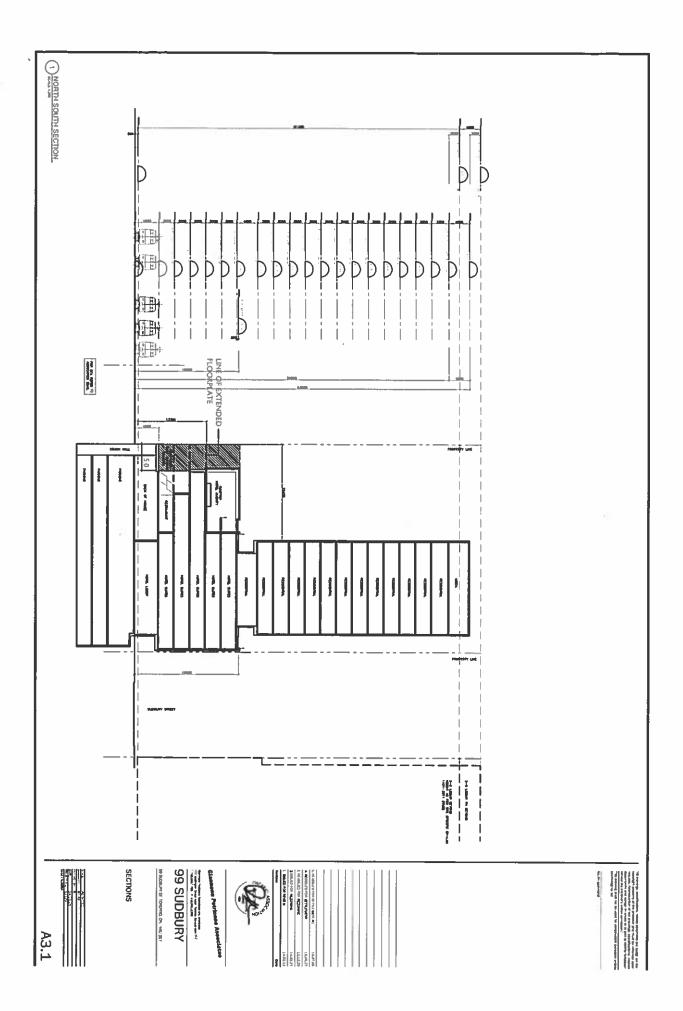








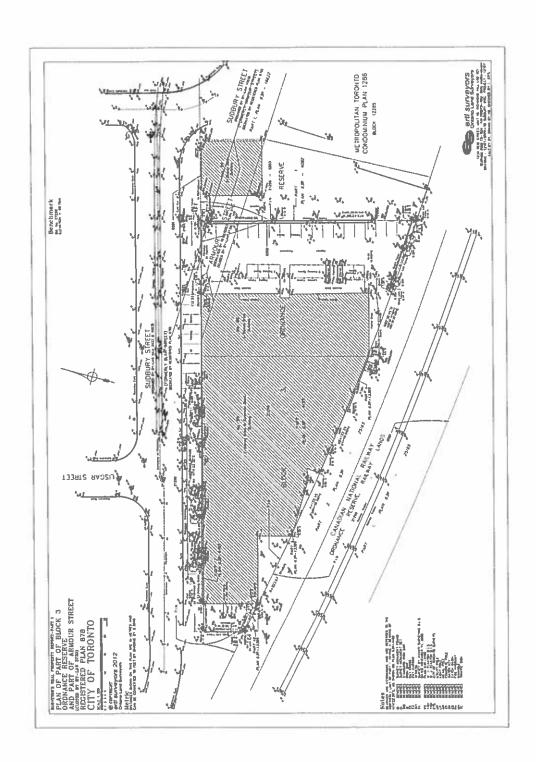


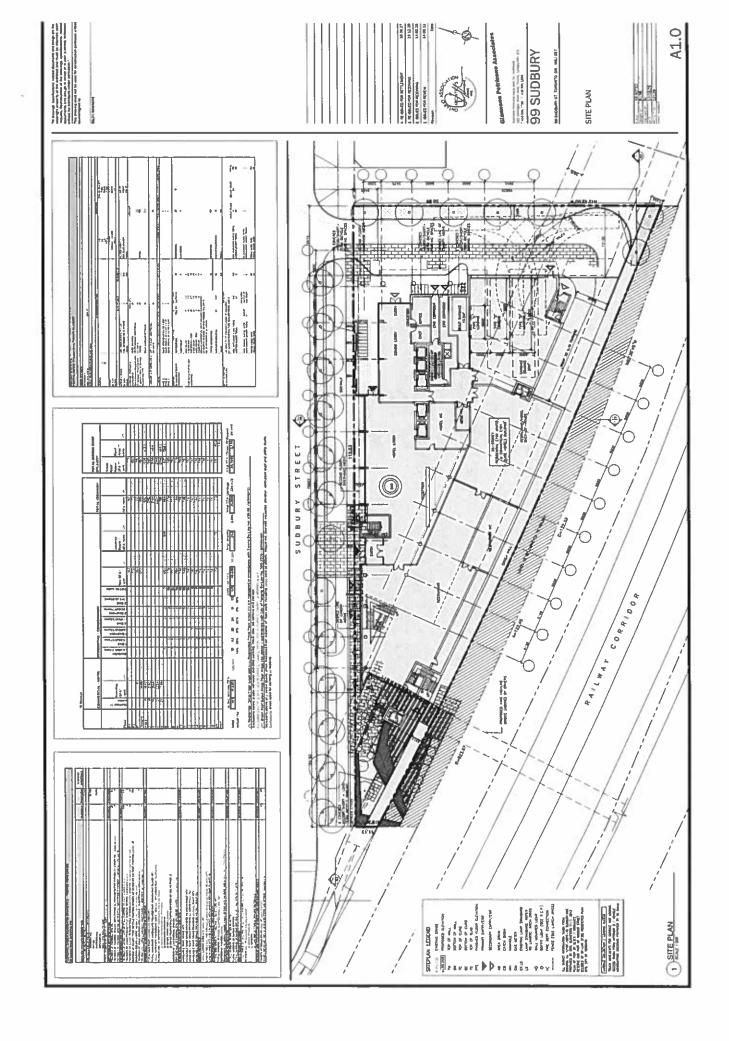


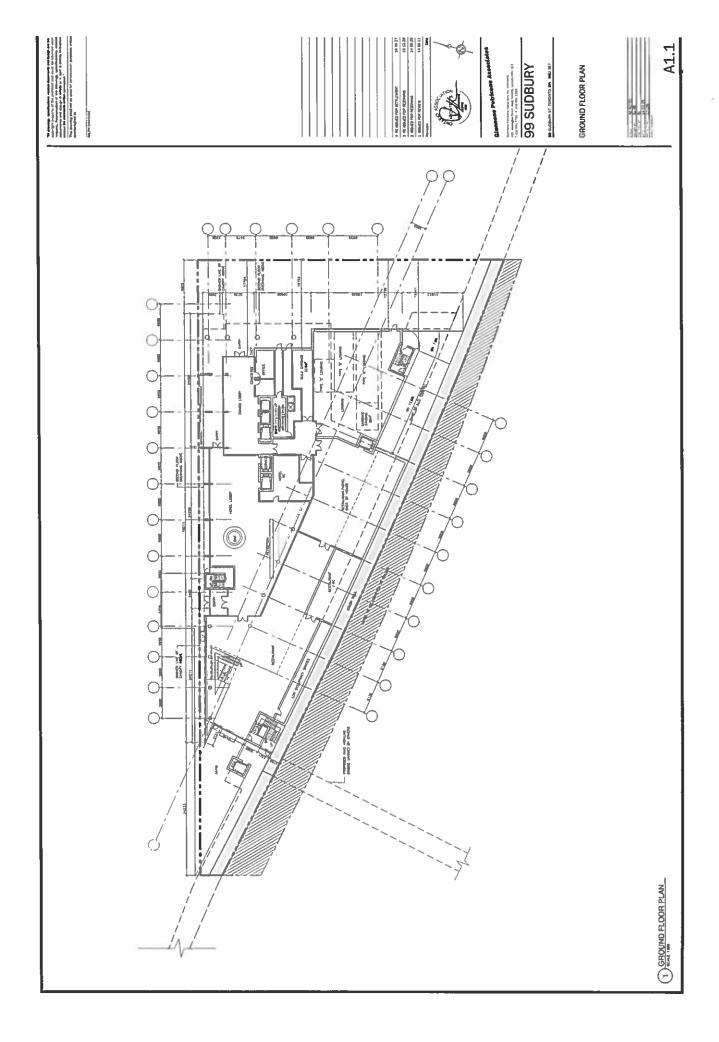
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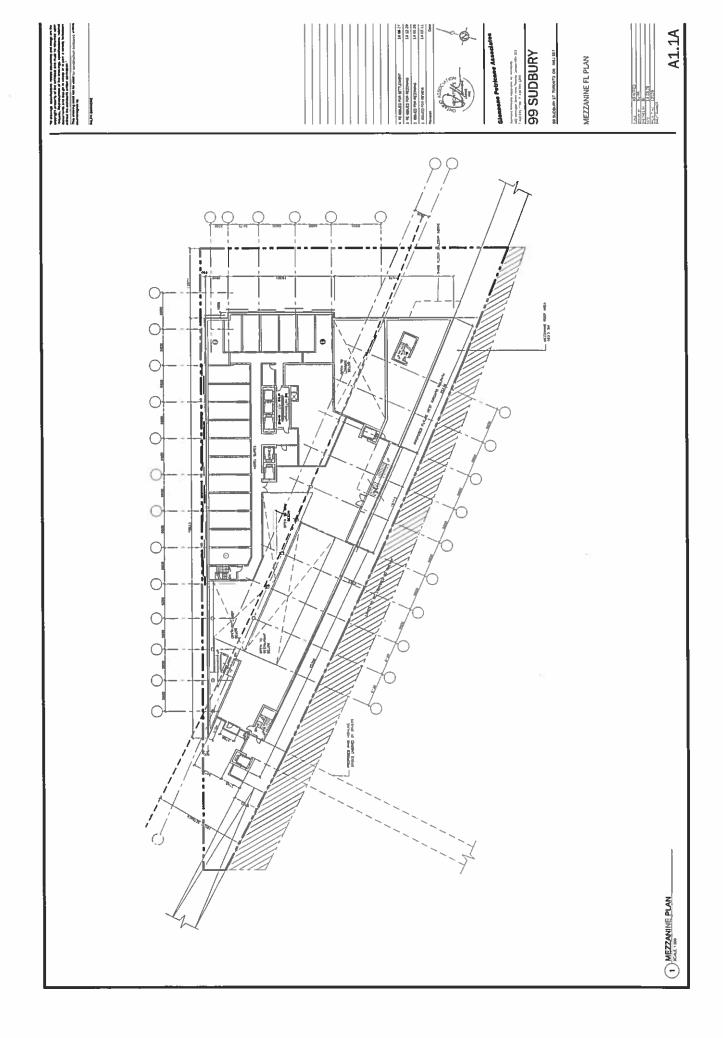
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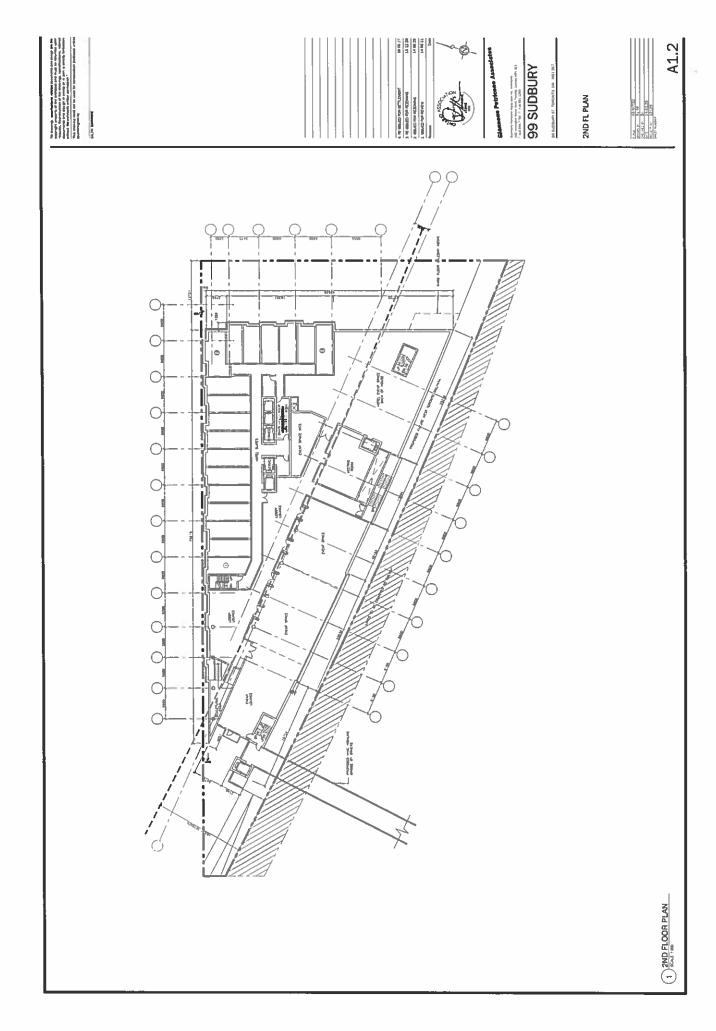
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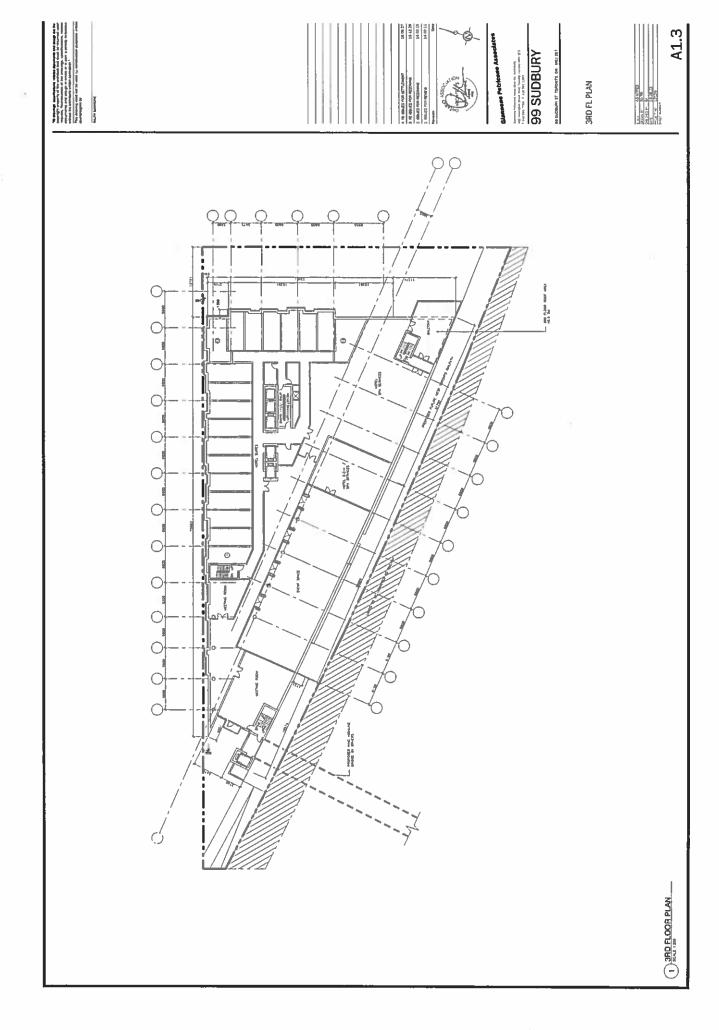


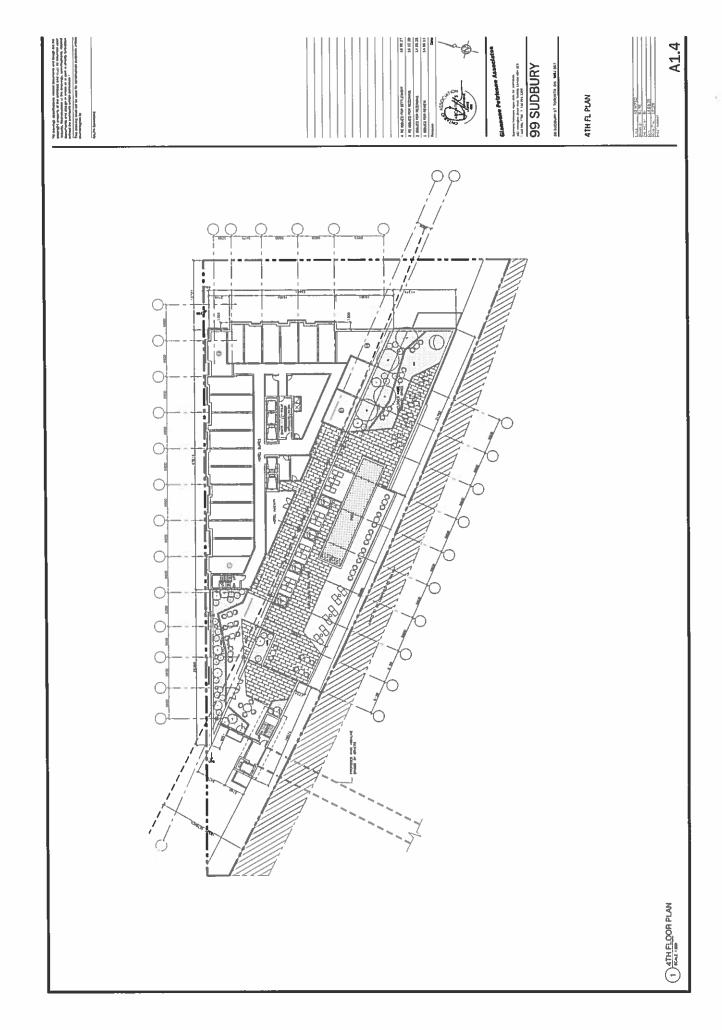


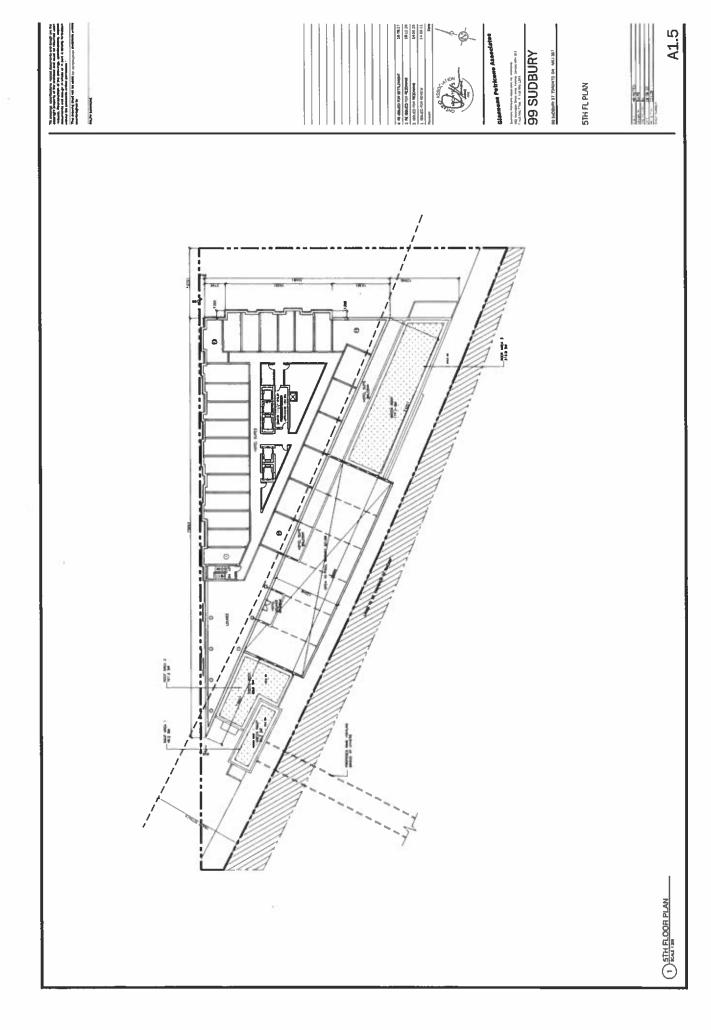


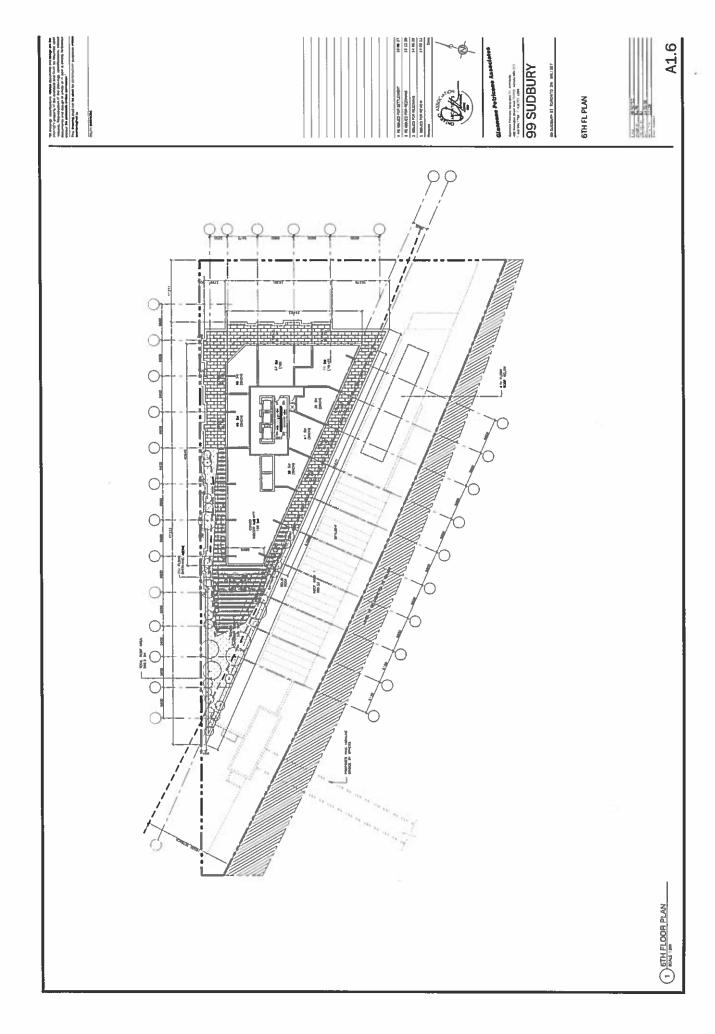


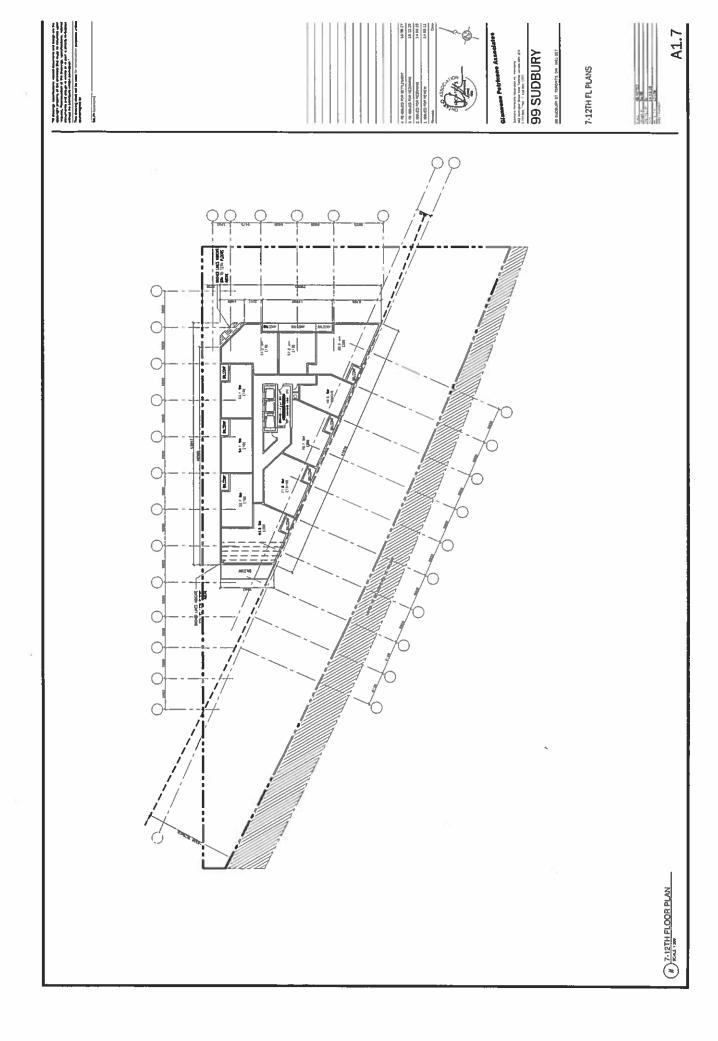


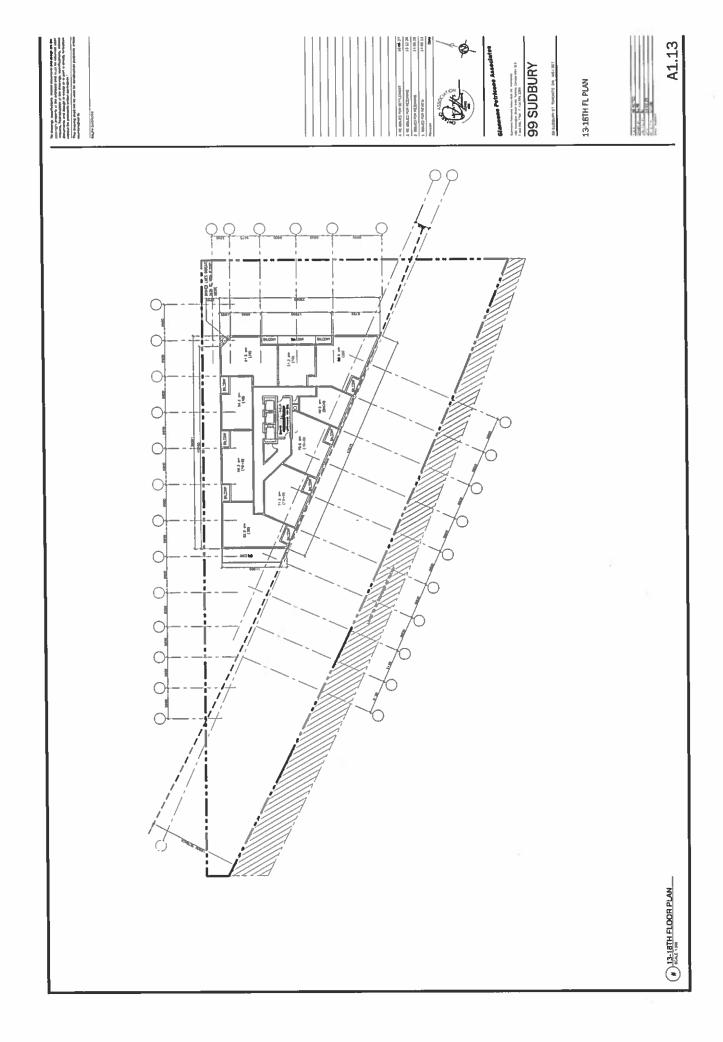


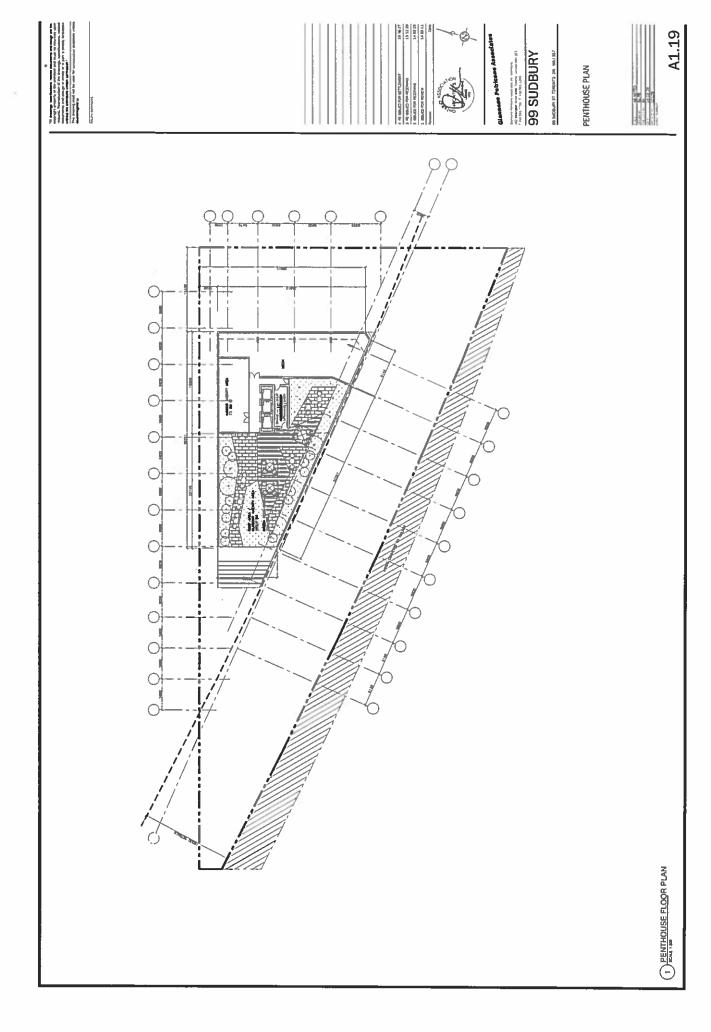


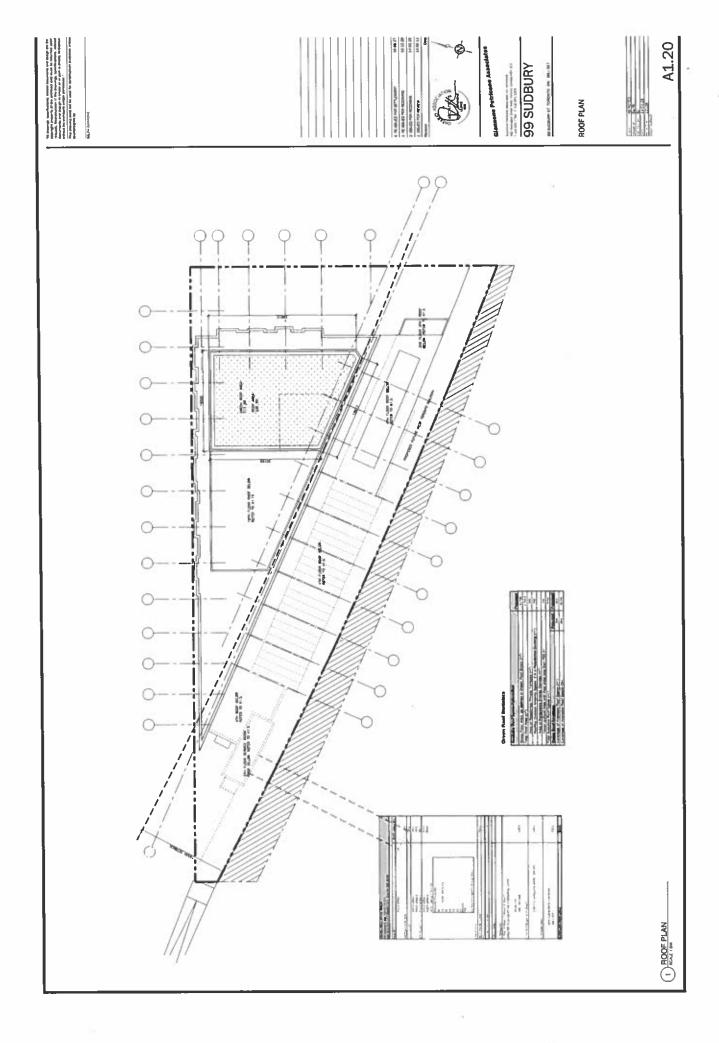


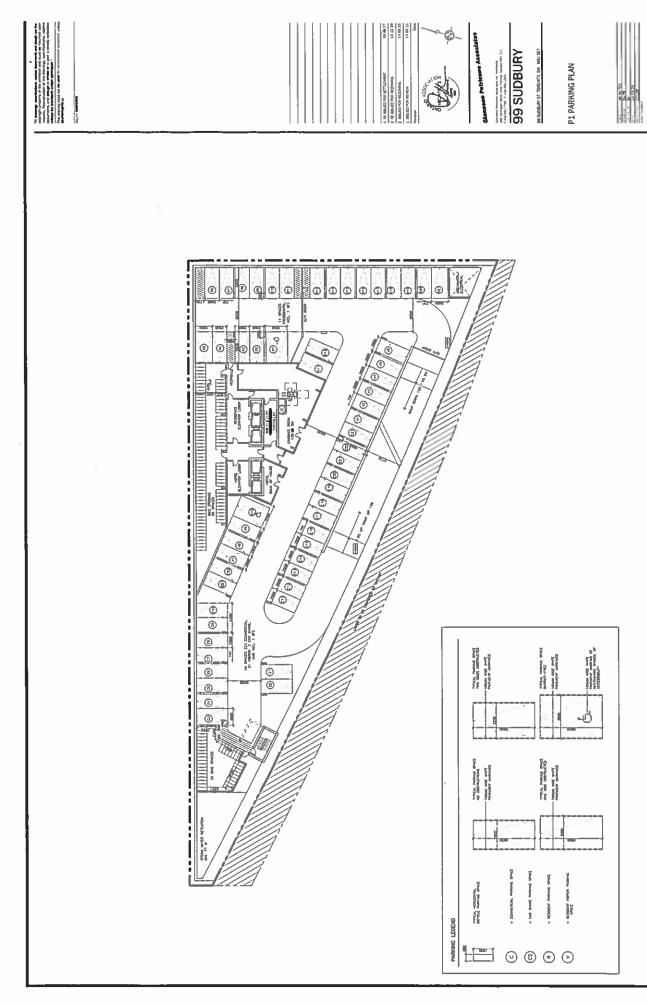






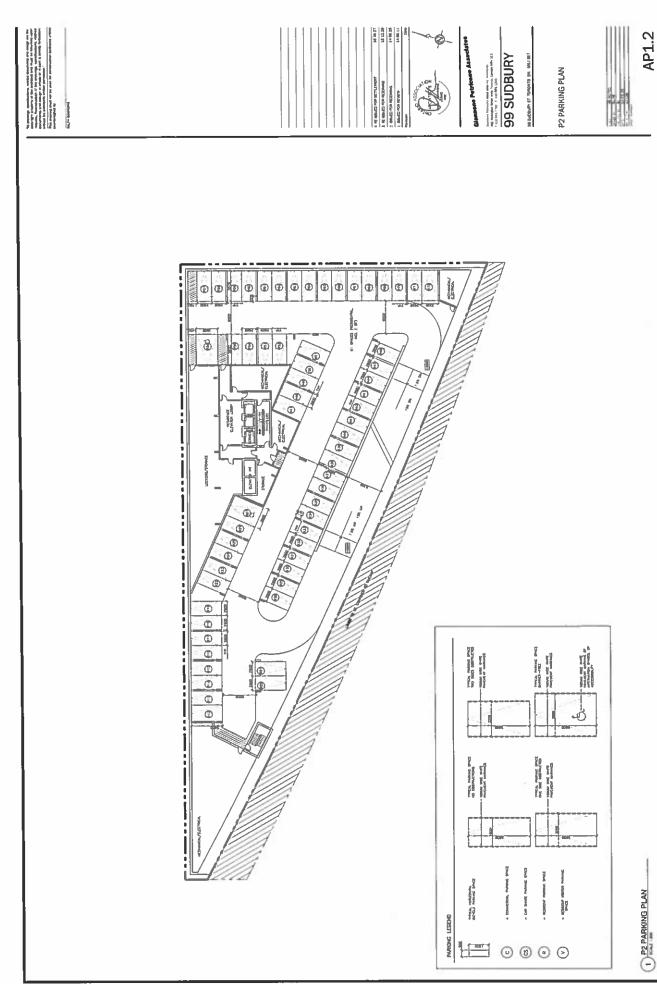




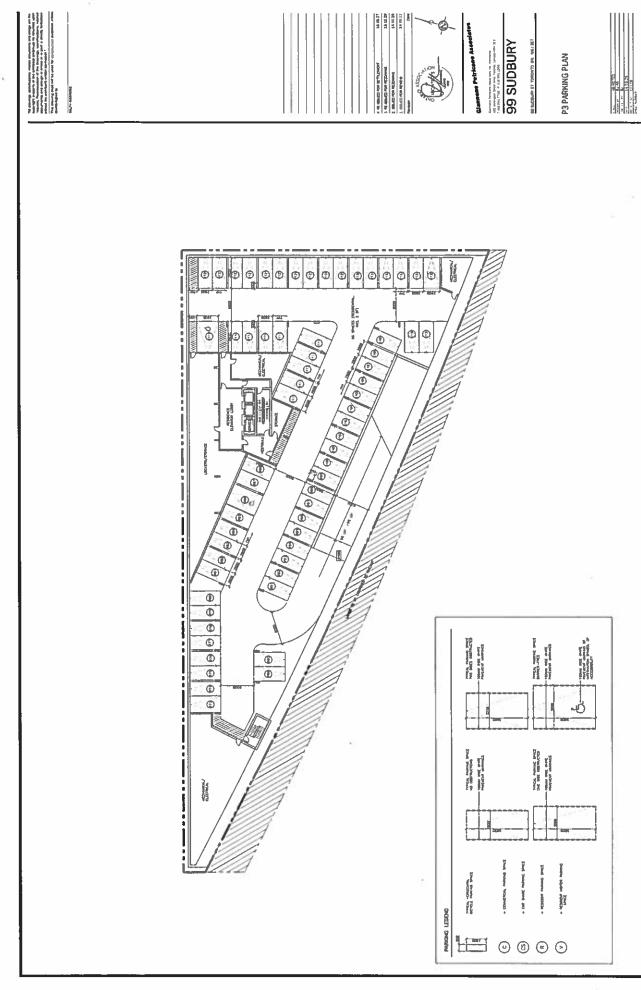


1) Pt PARKING PLAN

AP1.1



1 PZ PARKING PLAN



1) P3 PARKING PLAN

AP1.3

