

Sherman♦Brown

BARRISTERS & SOLICITORS

September 6, 2016

Toronto and East York Community Council
Toronto City Hall
100 Queen Street West, 2nd floor, West Tower
Toronto ON M5H 2N2

Attention: Ms. Ellen Devlin, Secretariat

Dear Chair and Members of Community Council:

Re: 20 EDWARD STREET- Final Report- Requested Revisions

Item No.: TE18.4

We are the solicitors for Lifetime Edward Street Inc., the owner of the property municipally known as 20 Edward Street (the "Site") in the City of Toronto, which Site is the subject of a Final Report proceeding to Toronto and East York Community Council on Wednesday, September 7th.

For the past two (2) years, our client, City Staff and the local community worked in a cooperative manner resulting in numerous revisions leading up to the Final Report recommending approval. Part of the negotiation was a request for a significant Section 37 payment in the **total amount** of \$3.5 million. The Section 37 contribution was significantly higher than comparable contributions in the area.

Section 37

When the Final Report was released, Staff recommended Section 37 contributions which would well exceed \$3.5 million. In order to maintain the terms of our client's agreement, Recommendation 10(b)(iii) needs to be relocated to 10(a)(i)(a) to make it clear that if the TTC wants space for a second exit at Dundas Station, that space is paid for as part of the \$3.5 million contribution. Without this change, our client would not agree to the Section 37 package that was previously negotiated by Staff. This is a fundamental change to the agreed upon terms.

Knock-out Panels

In addition to the Section 37 amount of \$3.5 million, our client agreed to provide **knock-out panels** for any future PATH connection. Those knock-out panels were to be located along the south and east portions of the site as depicted on the plans submitted to the City. Recommendation 10(b)(ii) required that our client provide knock-out panels at the north and west sides of the building. We understand this was done in error. We would request that Recommendation 10(b)(ii) be amended to make it clear that the knock-out panels are along the south and east portions of the concourse level of the Site.

TTC Technical Review

Recommendation 10(b)(iv) of the Final Report states that prior to the issuance of any below grade permit, our client must complete a full TTC technical review to the satisfaction of the TTC. Our client's development and commencement of construction cannot be contingent on a third party's approval. This is not something our client was ever made aware of at any time during the process. In any event, our client provided a design solution that includes the logical location of any TTC second exit and future PATH connection, and as such, our client would agree to a revised condition as follows:

"The Owner, prior to the passage of the implementing zoning by-law amendment, shall forward to the TTC the proposed location of the two knock-out panels at the south and eastern portions of the concourse level. If the TTC reviews the plans and provides an alternate location along the southern and eastern portions of the concourse level in a reasonably similar location prior to the issuance of a below grade building permit, the applicant shall revise such knock-out panel locations".

If the recommendation were reworded as noted above, the TTC would be provided with ample time to review the location of the knock-out panels, with a positive obligation to respond prior to the issuance of any below grade permits.

Parking Ratio

While the Final Report speaks to the by-law applying a higher rate in accordance with by-law 569-2013, please be advised that the parking rate proposed by our client, at 0.21 spaces per unit, has been accepted by two different traffic planners in the City's Transportation department within the past four months. We would respectfully request that the draft by-law be amended to correct the parking ratio in accordance with the materials submitted by our client.

POPS space

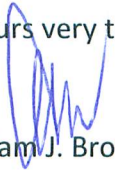
In response to comments by the local councillor at the recent Community Consultation Meeting regarding open space on site, our client revised its plans to incorporate a POPS space at grade with a 7.4m high clearance on the west side of the building. The request for the POPS was never a requirement of City Staff, nevertheless our client agreed to same. The Final Report recommends that the by-law be revised to cutback our client's building to provide a POPS space that is "clear to the sky". This was never brought to our client's attention, nor would our client have agreed to the provision of POPS with this additional cut-back of gfa. This would result in a loss of approximately 2400 square feet of gross floor area that was never part of our client's open communication process leading up to the Final Report (which was originally supposed to be before Community Council this past June).

Once again, our client truly appreciates the efforts by City Staff to bring forward a positive Final Report recommending approval of our client's application. We respectfully request that the above noted revisions be made to accurately reflect the terms of our client's agreement and

the final plans that were submitted to the City. Attached hereto is a draft motion that would address all of our client's concerns.

Should you have any questions or require any additional information, please do not hesitate to contact the writer or Jessica Smuskowitz, a lawyer in our office.

Yours very truly,



Adam J. Brown

- Cc: Councillor Wong-Tam
Ms. Melissa Wong, Director Policy and Operations for Councillor Wong-Tam
Mr. Gregg Lintern, Director, Community Planning Toronto and East York District
Mr. David Oikawa, Manager, Community Planning Toronto and East York District
Mr. George Pantazis, Planner, Community Planning Toronto and East York District
Mr. Brian Brown, Lifetime Developments

MOTION WITHOUT NOTICE

RE: TE18.4- 20 EDWARD STREET- Amendment by Councillor Wong-Tam

RECOMMENDATIONS:

Councillor Kristyn Wong-Tam recommends that:

Toronto and East York Community Council Adopt the Staff Recommendations within the Final Report August 18, 2016 with the following amendments:

- a) Recommendation 10(b)(ii) delete the words “north and west walls” and replace with the words “south and east walls”
- b) Delete Recommendation 10(b)(iii) and add the text of this recommendation to Recommendation 10(a)(i)(a) without the words “at its expense”.
- c) Delete Recommendation 10(b)(iv) and replace it with the following:

“The Owner, prior to the passage of the implementing zoning by-law amendment, shall forward to the TTC the proposed location of the two knock-out panels at the south and eastern portions of the concourse level. If the TTC reviews the plans and provides an alternate location along the southern and eastern portions of the concourse level in a reasonably similar location prior to the issuance of a below grade building permit, the applicant shall revise such knock-out panel locations”.

- d) Amend the draft zoning by-law amendments at Attachments 11 and 12 to include the parking ratio proposed by the Owner at 0.21 spaces/unit and setbacks to reflect the 7.4m high clearance for the POPS space.

Toronto and East York Community Council determine that no further notice is required to be given in respect of these changes under the *Planning Act, RSO 1990*.

Date: