

on November 17, 2017



**Kagan
Shastri** ^{LLP}
LAWYERS

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File: 16142

WITHOUT PREJUDICE

October 23, 2017

By email

Mr. Alexander Suriano
City of Toronto Legal Department
55 John Street, 26th Floor, Metro Hall
Toronto, ON., M5V 3C6

Dear Mr. Suriano:

**Re: Appeal pursuant to section 34(11) of the Planning Act
Appeal filed on behalf of Times 5565 Inc. (the "Owner") of the rezoning application
filed by its agent, Bousfields Incorporated
OMB File No. PL160873
ZBL Amendment for 55-65 Broadway Avenue, Toronto (the "Property")
City of Toronto Zoning By-law Amendment Application #16 118645 STE 22 OZ**

On behalf of my client, Times 5565 Inc., I am pleased to offer to settle the above-noted OMB appeal on the terms outlined below. You advised me that City staff intend to seek instructions from City Council at the upcoming City Council meeting (scheduled to commence on November 7, 2017) and, accordingly, this offer is open for acceptance until the conclusion of that meeting. The terms are as follows:

1. Times 6656 Inc. ("Times") will revise its proposed development to reflect the plan attached as **Schedule "A"** hereto. The revised development is generally comprised of the following:
 - a. A residential development comprised of both rental and condominium ownership.
 - b. A four storey (maximum) generally L-shaped podium.
 - c. Two towers of 39 stories (maximum) each. Each tower floorplate is to have a maximum floorplate of 800m² gross construction area (GCA).
 - d. Off-site parkland dedication, the location of which has already been agreed upon by the parties.

- e. Overall density of 11.5 FSI (maximum).
 - f. A minimum of 10% of the units will contain a minimum of three-bedrooms.
 - g. The entrance to the south tower will be visible from Broadway Avenue; and
 - h. The location of the podium and towers, in relation to each other and the property lines, is detailed on **Schedule “A”**.
- 2. Times filed its rezoning application on February 18, 2016. A list of the major revisions between the plans then filed and this proposed settlement is attached for information purposes as **Schedule “B”** hereto.
 - 3. On approximately September 5, 2017 Times revised its development (from that which was filed on February 18, 2016). A list of the major revisions between the September 5, 2017 revised development and this proposed settlement is attached for information purposes as **Schedule “C”** hereto.
 - 4. Times will make a section 37 contribution to a maximum of \$2,900,000. This may be satisfied in cash or by accommodating a city run daycare centre (of a value no greater than \$2,900,000) in a location within the proposed development and on terms which are mutually acceptable to both parties. If the daycare centre is provided then it will have a minimum indoor unobstructed area of 174m² and a minimum outdoor area of 348m², based on a student population of 62. The Parties will sign the usual Section 37 Agreement which may be registered on title to the property.
 - 5. The City of Toronto (the “City”) will support the revised development described above.
 - 6. The parties will jointly support the Revised Development at the scheduled January 8, 2018 OMB hearing and ask that the OMB allow the zoning appeal, in part, and issue a Decision (but withhold its Order). The OMB will be advised that a request to issue the Order will be made later.
 - 7. Times will file a site plan application which reflects and implements the above-noted revised development. The City will process the site plan diligently. Once the site plan has processed to the point where the final form of the zoning by-law is known (i.e. all necessary zoning regulations are known), then Times may request that the OMB issue the Order allowing the zoning appeal and the City will support same; and
 - 8. Times has already filed an application for Rental Housing Demolition and Conversion under Section 111 of the City of Toronto Act (Chapter 667 of the Municipal Code) to permit the demolition of the 130 existing rental dwelling units at 55 and 65 Broadway Avenue (File No. 16 118650 STE 22 RH). The City will approve that application subject to the usual agreements being signed to secure the rental housing replacement package.

If this settlement offer is accepted by the City the parties may enter into formal Minutes of Settlement prior to the January 8, 2018 OMB hearing.

Yours very truly,

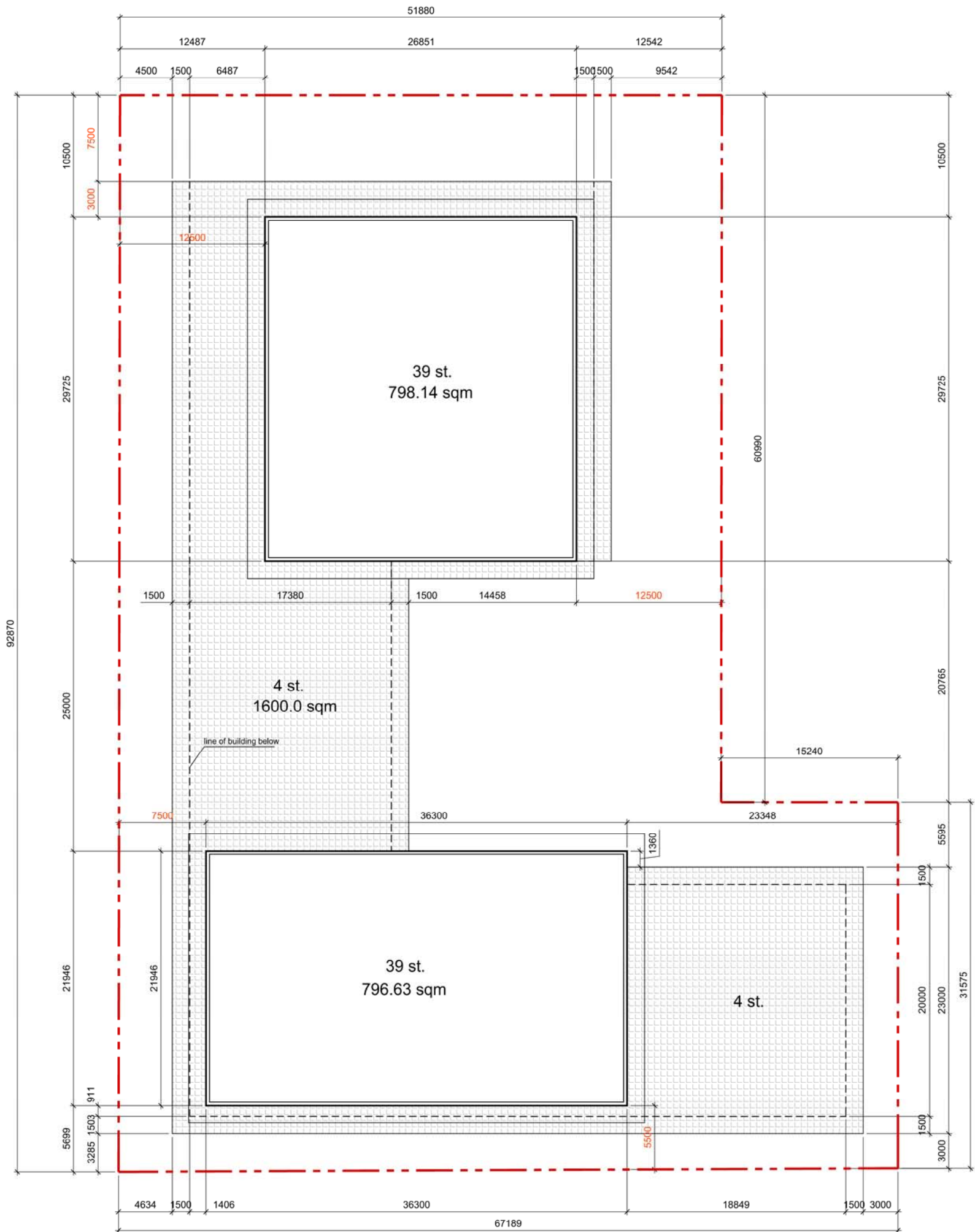
A handwritten signature in cursive script that reads "Ira Kagan".

Ira T. Kagan
Enclos. (Schedules A, B & C)

cc. Client

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SCHEDULE "A"



SCHEDULE “B”

[List of Major Revisions from the February 2016 Proposed Development to the Settlement (October. 23, 2017)]

1. Height of both Tower A (the north tower) and Tower B (the south tower) has been reduced from 45 to 39 stories. The podium height has been increased from 2 stories to 4 stories.
2. Density: The density of the development has been reduced from 13.6 FSI to 11.5 FSI.
3. Tower floor plate size: Tower A floorplate has been reduced from 850m² to 800m². Tower B floorplate has been reduced from 860m² to 800m².
4. Tower separation distance: The distance between the two towers has been increased from 21.5m to 25.0m.
5. Tower A setback changes are as follows:
 - a. North setback increased from 9.3m to 10.5m
 - b. West setback increased from 12.3m to 12.5m
 - c. East setback reduced from 16.5 to 12.5m.
6. Tower B setback changes are as follows:
 - a. South setback increased from 5.1m to 5.5m
 - b. West setback reduced from 12.5 to 7.5m
 - c. East setback increased from 11.6m to 23.3m.
7. Tower A north stepback from the edge of the podium increased from 1.5 to 3.0m.
8. Unit mix: There is an increase in 3 bedroom (or more) units from 0.5% to 10% of the overall unit mix.
9. Ground Floor:
 - a. Residential lobby for Tower B is relocated to the east to ensure a visual connection to Broadway Avenue.
 - b. Ramp to underground parking, loading and bicycle parking relocated to the west of the residential lobby of Tower B.
 - c. The common lobby area between Towers A and B is removed and replaced with vehicular entry as well as service and loading areas.

- d. Both towers continue to have access to the centrally located pick-up/drop-off area.
- e. The design will continue to provide a 6m wide publicly accessible pedestrian walkway along the westerly lot line.

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SCHEDULE “C”

[List of Major Revisions from the September 5, 2017 Proposed Development to the Settlement (October. 23, 2017)]

1. Height: Tower A (the north tower) has been revised from 37 to 39 storeys, Tower B (the south tower) has been revised from 41 to 39 storeys.
2. Density: there is no change in density. The density will continue to be 11.5 times the area of the lot.
3. Tower floor plate size: tower floor plates will continue to be 800m² based on gross construction area.
4. Tower separation distance: there is no change to the proposed separation distance of 25.0 metres between Towers A and B.
5. Tower setback: Tower B will be set back 7.5m from the west lot line and 5.5m from the south lot line. Tower A will continue to be set back 12.5m from the east and west lot lines.
6. Tower stepback: Tower A stepback along Broadway Avenue increases from 1.5m to 3.0m to the edge of the podium.
7. Unit mix: There is an increase in 3 bedroom (or more) units from 8.8% to 10% of the overall unit mix.
8. Ground Floor:
 - a. Residential lobby for Tower B is relocated to the east to ensure a visual connection to Broadway Avenue.
 - b. Ramp to underground parking, loading and bicycle parking is relocated to the west of the residential lobby of Tower B.
 - c. The common lobby area between Towers A and B is removed and replaced with vehicular entry as well as service and loading areas.
 - d. Both towers will continue to have access to the centrally located pick-up/drop-off area.
 - e. The design will continue to provide a 6m wide publicly accessible pedestrian walkway along the westerly lot line.