CC34.9 - Confidential Attachment 2 - made public on November 17, 2017

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October 25, 2017

WITHOUT PREJUDICE AND CONFIDENTIAL

Our File No.: 151252

Delivered Via E-mail

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

Attention: Mark Crawford, City Solicitor

Dear Sirs/Mesdames:

Re: OMB Case No. PL160910 100 Broadway Avenue and 223 – 225 Redpath Avenue

As you know, we are solicitors for 100 Broadway Developments Inc., the owner of the lands known municipally as 100 Broadway Avenue and 223 - 225 Redpath Avenue in the City of Toronto (the "Subject Property"). We are writing on a without prejudice basis to propose a settlement of our client's appeal. This settlement offer is open until the conclusion of the City Council meeting scheduled to commence on November 7, 2017, after which it should be considered as withdrawn.

Without Prejudice Settlement Offer

On September 25, 2015, our client submitted a zoning by-law amendment application to the City to facilitate the development of a 34-storey apartment building containing 329 residential dwelling units with a proposed metric height of 113 metres. Notice of Complete Application was issued by the City on October 14, 2015. A Preliminary Report dated December 15, 2015, was received by Community Council on January 19, 2016. A community meeting regarding the proposal was held on February 22, 2016. In addition, 100 Broadway Developments Inc. and their project team have met with City staff on multiple occasions to discuss the proposal, specifically relative to urban design matters.

The settlement offer is based on the without prejudice plans dated September 22, 2017, and reflects comments received from City staff since the applications were initially filed on September 25, 2015. In particular, we note the following aspects of the revised without prejudice plan:

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Site Statistics

- The height of the building has been reduced from 113 metres including mechanical penthouse to 112.8 metres including mechanical penthouse and due to a reduction of floor-to-floor heights the building is proposed at 36 storeys.
- The number of units has been reduced from 329 units to 319 units.
- The density of the proposal has been decreased. The Gross Floor Area of the proposed building is now 19,880 square metres and the FSI of the Subject Property is 13.42, as defined in City of Toronto Comprehensive Zoning By-law 569-2013.
- Vehicular and bicycle parking spaces are now 102 and 320, respectively. A response to traffic and parking comments has been provided to the City, including additional justification for the proposed parking ratio. We believe the proposed parking numbers are appropriate.
- Amenity space has increased from 900 square metres to 1014 square metres. 557 square metres is to be indoor amenity space and 457 square metres is to be outdoor amenity space.

Built Form and Landscape

- The podium to the north has been setback 2.0 metres from the northern property line such that the access easement in favor of 227 Redpath Avenue is not impacted.
- A series of columns (as opposed to a blank wall) have been incorporated into the design of the podium on the ground floor and mezzanine levels of the north wall of the ramp to the below-grade garage, to provide more light and to reduce the enclosed condition vis a vis the duplex to the north of the Subject Property.
- The north tower setback is now 10 metres (7.5 metres was previously provided) and balconies no longer extend into this setback.
- The south setback of the podium along Broadway Avenue is 7.5 metres and is now clear of residential patios and balcony protrusions. Further, the first level of the parking structure beneath this setback has an additional 1.5 metre of height for soil depth for trees planted at-grade.

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- The south tower setback from the face of the podium is now 1.5 metres to the face of the tower. Balconies project 1.5 meters into this setback, but do not project into the 7.5 metre setback from Broadway Avenue.
- Balconies have been removed from the 10 metre east tower setback.
- An easement is being provided for the 5.0 metre corner rounding at Redpath Avenue and Broadway Avenue.
- The podium articulation has been adjusted with an additional setback at level 5.
- The cantilever at upper floors along Redpath Avenue has been removed.
- The architectural expression of the Redpath Avenue and Broadway Avenue building faces have been harmonized by reducing the solidity on the Redpath Avenue elevation and replacing almost half of the solid panels with glazing to match the Broadway Avenue elevations. The glass guards are now more pronounced to emphasize the residential character.
- The ground floor and mezzanine levels of the podium have been stepped back 2.0 metres from the west property line along the entire Redpath Avenue frontage to allow more pedestrian space at-grade.
- Architectural treatment at the top of the building has been strengthened.
- The landscape plans have been updated to include landscaped treatments along Redpath Avenue in addition to Broadway Avenue.

Our client is prepared proceed to the Ontario Municipal Board with the plans dated September 22, 2017, to achieve a complete settlement. To this end, our client is prepared to make a voluntary Section 37 contribution of \$1,100,000, which is to be allocated to the provision of a new daycare facility in the vicinity of the Subject Property, in addition to securing 52 replacement rental housing units as part of the Section 37 Agreement. For the sake of clarity, our client is not prepared to make a contribution in the amount of \$1,100,000 if the matter proceeds to a contested Ontario Municipal Board hearing.

On this matter of the replacement of the 52 rental housing units on the Subject Property, comments from Housing, by way of a memorandum dated February 7, 2017, from Narmadha Rajakumar, have been addressed. As there may be additional details to work out regarding the rental replacement units, our client is agreeable to requesting that the Ontario Municipal Board withhold its order on the zoning by-law amendment for the Subject Property for a period of no longer than four months from the date of the Ontario Municipal Board decision to allow the

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parties an opportunity to resolve the few outstanding housing related matters, to the satisfaction of the City Solicitor. The Board may be spoken to if difficulties arise. We trust that this approach is satisfactory and would allow the parties to continue to work in good faith to address any unresolved issues. This approach (withholding the order) would also apply to any remaining technical issues with respect to the proposal that City staff are currently reviewing or require more information.

In addition, we note that our client will meet its parkland dedication requirement of 148 square metres, as part of the off-site dedication of lands to the City known municipally as 174 - 180 Broadway Avenue. All existing rental housing units to be demolished on the 174 - 180 Broadway Avenue lands would be replaced in either the new building on the Subject Property and/or as part of the redevelopment of 117 - 127 Broadway Avenue in the event that these units qualify as rental replacement units. Should these units be required to be replaced, the location of these replacement units would be secured through the Section 37/111 Agreement(s).

We believe that this proposal represents a significant effort by our client to address the comments from City staff and our client is hopeful that this without prejudice proposal will be accepted by City Council. As noted above, however, if City Council does not accept this settlement offer at its meeting scheduled to commence on November 7, 2017, this settlement offer should be considered as withdrawn.

Our client appreciates the time and effort expended by City staff on this matter.

Please let us know if any additional information is required.

Yours truly,

Goodmans LLP For David Bronskill DJB/JBH

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Mark Crawford

From:Hoffman, Joe <jhoffman@goodmans.ca>Sent:October 30, 2017 9:56 AMTo:Mark CrawfordCc:Bronskill, DavidSubject:100 Broadway Avenue and 223 - 225 Redpath Avenue - Settlement

Without Prejudice

Hi Mark,

Further to our settlement letter dated October 25, 2017, our client, 100 Broadway Developments Inc., is agreeable to its section 37 contribution of \$1,100,000 being allocated to the Redpath Parkette.

Regards,

Joe Hoffman Goodmans LLP

416.597.5168 jhoffman@goodmans.ca

Bay Adelaide Centre 333 Bay Street, Suite 3400 Toronto, ON M5H 2S7 goodmans.ca

***** Attention *****

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