

Attachment 2
With Prejudice Settlement Offer -



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May 2, 2018

With Prejudice

Our File No.: 163334

Via E-mail

Legal Services, City of Toronto
Metro Hall, 55 John Street, 26th Floor
Toronto, ON
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Attention: Jessica Braun, City Solicitor

Dear Sirs/Mesdames:

Re: OMB Case No. PL171269
39-41 Roehampton Avenue and 50 Eglinton Avenue East
City of Toronto Application No. 16 269637 STE 22 OZ

As you know, we are solicitors for the owner of the properties known municipally as 39-41 Roehampton Avenue and 50 Eglinton Avenue East in the City of Toronto (the "**Property**") in respect of its above-noted rezoning application (the "**Application**"). We are writing on a with prejudice basis to propose a settlement of our client's appeal, based on a revised proposal depicted in the architectural plans dated April 16, 2018 (the "**Revised Plans**"), submitted to the City on April 19, 2018, and a voluntary section 37 contribution as outlined below.

Please note also that our client intends to present the Revised Plans to the Local Planning Appeal Tribunal for approval. We understand that this with prejudice settlement offer will be the subject of a staff report for consideration by City Council at its meeting beginning on May 22, 2018.

Background and With Prejudice Settlement Offer

Since the filing of the Application, our client has engaged in extensive dialogue with City staff and area residents in an attempt to resolve their concerns. These discussions have been fruitful on many fronts, and our client appreciates the significant efforts of City staff and area residents.

In light of these discussions, our client prepared the Revised Plans in an effort to reach a comprehensive settlement of the appeal. The Revised Plans include a number of significant revisions, including the following:

- **Height:** Our client reduced the height from 48 storeys (154.4 metres) to 46 storeys (148.5 metres) with additional sculpting of the upper portion of the building to limit shadow impacts.
- **Base Building:** Our client revised the base building to achieve 4-storeys along Roehampton Avenue.
- **Tower Floor Plate:** Our client reduced the tower floor plate size from 816 square metres to 750 square metres, even though appropriate tower separation distances would be achieved with a larger tower floor plate.
- **Tower Separation Distances:** The proposed tower separation distances now achieve, and on the east side exceed, those recommended in the City's Tall Building Guidelines.
- **Roehampton Avenue:** Our client agreed to provide an enhanced setback of 16.5 metres from the street curb to lobby face, 7.5 metres of which are free and clear, thereby providing a significant widening of the public realm along Roehampton Avenue with enhancements within the widened boulevard space. In addition, our client has agreed to provide similar enhancements across the entire width of the Bell lands to the east.
- **Amenity Space:** Our client increased the amount of indoor and outdoor amenity space to achieve 4.26 square metres of combined amenity space per unit. To meet the intent of the Growing Up Guidelines, 25% of the indoor amenity space will be secured as multi-purpose and will also include dog amenity space.
- **3-Bedroom Units:** Our client agreed to secure a minimum 10% of the units as 3-bedroom units.
- **Parkland:** Our client has secured an off-site location at 33 Soudan Avenue for parkland dedication, which would be conveyed to the City, to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- **Privately-Owned Publicly Accessible Space (POPS):** These revisions have been achieved without compromising the POPS proposed in the Application for the Subject Lands. As City staff will be aware, the POPS received significant positive feedback at the community meeting and will facilitate the mid-block connection desired by the City, as well as the direct connection to the TTC subway station.

In addition to the revisions reflected in the Revised Plans, our client is also prepared to make a voluntary section 37 contribution of \$790,000 (indexed) as part of a full settlement of this matter. The section 37 contribution would be allocated towards upgrades to the privately-owned publicly-accessible open space (POPS), as detailed in the landscape plans provided to the City.

Our client would also agree that implementation of the settlement will be conditional upon the following matters, which must be completed prior to issuance of any final order from the Local Planning Appeal Tribunal regarding the proposed zoning by-law amendment(s):

- a. preparation of zoning by-law amendment(s), in a form acceptable to the parties; and,
- b. the execution of a Section 37 agreement, in a form satisfactory to the City solicitor, for which the City and our client will work cooperative and in good faith to finalize as soon as possible.

Without limiting anything in this letter, the Section 37 agreement noted-above would secure the following matters:

- a. The voluntary Section 37 contribution of \$790,000 (indexed) to be allocated towards upgrades to the privately-owned publicly-accessible open space (POPS), as detailed in the landscape plans provided to the City;
- b. the provision of the above-noted POPS area, which shall have an area of not less than 620 square metres, as generally located on the landscape plans provided to the City, with the final location, configuration and design of the POPS to be determined in the context of site plan approval pursuant to Section 114 of the *City of Toronto Act, 2006* and secured in a site plan agreement with the City;
- c. the conveyance of an easement along the surface of the lands which shall constitute the above-noted POPS, for nominal consideration to the City, prior to the registration of the condominium;
- d. the obligation for the owner to install and maintain a sign, at its own expense stating that members of the public shall be entitled to use the POPS between 6:00 a.m. and 1:30 a.m., 365 days of the year;
- e. the obligation of the owner to secure certain matters from the owner of the lands known municipally as 15 Roehampton Avenue, including the execution of a shared facilities and cost sharing agreement regarding the ongoing operation, maintenance and repair of the POPS, an easement from the owner of 15 Roehampton Avenue to the City over any portion of the POPS on 15 Roehampton Avenue, and an amendment to the site plan agreement regarding 15 Roehampton Avenue to secure the landscape plans provided to the City, the above-noted easement and the above-noted shared facilities and cost-sharing agreement, all as necessary in the City's discretion; and,
- f. the obligation of the owner, at its sole expense, to design and construct an entrance connection to the E8/E15 below-grade pedestrian path to the Yonge/Eglinton station, which connection will provide access to the publically accessible pathway leading

through the E15 Project and the E18 Project, thereby linking the development to the Eglinton Subway Station.

Our client believes the Revised Proposal represents good planning and an appropriate resolution to our client's appeal. Accordingly, it is hopeful that this with prejudice proposal will be accepted by City Council.

Please let us know if any additional information is required.

Yours truly,

Goodmans LLP



David Bronskill

DJB/

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