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March 2, 2018

Our File No.: 139460

BY EMAIL

Mr. Alexander J. Suriano
Solicitor, City of Toronto, Planning and Administrative Tribunal Law
Metro Hall
26th Floor, 55 John Street
Toronto, Ontario
M5V 3C6

Dear Mr. Suriano:

**Re: 30 and 44 Zorra Street; Without Prejudice Settlement Offer
Complete Resubmission Delivered to City on March 2, 2018**

As you are aware Aird & Berlis LLP acts on behalf of Marlin Spring Investments Ltd. with respect to the lands municipally known as 30 and 44 Zorra Street in the City of Toronto (the "subject property") in which our client now has a controlling interest, pursuant to an agreement of purchase and sale.

This correspondence is further to our without prejudice meeting, held on February 14th, 2018 at which time our client and its consultants reviewed certain proposed changes to the development concept, as appealed to the Ontario Municipal Board (PL170604) with the objective of reaching a complete settlement with the City of Toronto on the appeal, including matters related to the s.37 contribution and parkland dedication.

I am pleased to advise that my client has, in accordance with the discussions at that last meeting, prepared a complete rezoning submission which will be made on a without prejudice basis in person to staff today by delivery of a hard copy of the resubmission package. The rezoning submission materials as submitted will illustrate a development proposal substantially in conformity with the prior proposal which staff had accepted, subject to resolution of the Section 37 and parkland contribution matters.

Attached for your reference is a project statistics sheet which shows the comparison of key statistics, as requested by staff at our February 14th, 2018 meeting. Also attached is a complete architectural plan set of the revised submission (Plot Date February 26, 2018), and a Planning Addendum letter (dated March 2, 2018). The entire resubmission with all supporting and technical studies can be found at the following link:

<https://app.box.com/s/17b8rrmlazhij2d7py295y9pa1lraiwg>

In the event you would prefer to be provided with a hard copy of the attached or any additional documents please advise and we will arrange for a package to be couriered to your attention.

March 2, 2018

Page 2

Of note, the building height, both in storeys (35) remains consistent and the actual height has only been slightly increased (from 106.7m to 108.3m), in part due to an increase in the podium height to ensure truck turning movements are accommodated in response to staff comments. While the unit count has increased slightly we note that this has allowed our client to achieve 3 bedroom units at a rate of 10% of the total unit count, which we believe is an improvement to the project. The provision of interior and exterior amenity space still achieves a 2m²/unit ratio despite the increase in units, with an overall increase of 116m² in amenity space. The building setbacks (tower and podium) remain substantially unchanged with the tower shifting further south by 2.9 m which, as is demonstrated in the supporting materials, has no impacts on the adjacent community and is supported with the updated Noise Study as it pertains to the Gardiner Expressway.

In our view, the supporting resubmission materials ably demonstrate that the proposed changes to the building result in an appropriate built form for the location and continue to address key factors such as shadow and appropriate noise mitigation in respect to the location adjacent to the Gardiner Expressway.

As we discussed, a settlement based on this revised development concept will also ensure that the complete parkland dedication sought by the City is achieved via an on-site parkland dedication of approximately 1118m², immediately to the north of the Future Caven Street extension (see Site Plan A101). As the parkland being dedicated represents a significant over-dedication of the amount arising pursuant to Section 42 of the *Planning Act*, we have agreed that the surplus will be secured, via a Section 37 Agreement, as the off-site parkland dedication for our client's other area developments including 1197 The Queensway and 1045-1049 The Queensway. **We would request that the final parkland dedication, both for this site and the additional sites which are contributing off-site dedications, be confirmed by City Parks staff.** Further, and as discussed, in the event there is a total surplus of parkland dedication as applied to each site the cash in lieu valuation of that surplus would be secured as a community benefit in the Section 37 Agreement for this project.

We trust the resubmission materials provide staff with the necessary information to allow for a recommendation report to proceed to EYCC and to Council in advance of the summer/election recess and for a settlement hearing at the Ontario Municipal Board. We look forward to further discussion with you on implementation of such a settlement.

Yours truly,

AIRD & BERLIS LLP



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