

# Public Appendix "A"



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## WITH PREJUDICE

Our File No.: 182147

### Delivered Via E-mail

Legal Services, City of Toronto  
Metro Hall, 55 John Street, 26<sup>th</sup> Floor  
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### Attention: Laura Bisset and Cigdem Iltan, City Solicitors

Dear Sirs/Mesdames:

**Re: LPAT Case No. PL160910  
100 Broadway Avenue and 223 – 233 Redpath Avenue, City of Toronto  
LPAT Case No. PL180033  
110, 114 and 120 Broadway Avenue, City of Toronto**

We are solicitors for The R.W. One Hundred Land Corporation (“**100 Broadway**”), the owner of the lands known municipally as 100 Broadway Avenue and 223 – 233 Redpath Avenue (the “**100 Property**”), and 110 Broadway Inc. and Broadway Redpath Development Corporation (collectively “**110 Broadway**”), the owners of the lands known municipally as 110, 114 and 120 Broadway Avenue (the “**110 Property**”). The 100 Property and the 110 Property are immediately adjacent to each other but the subject of separate rezoning applications and appeals to the Local Planning Appeal Tribunal (“LPAT”).

On behalf of our clients, we are writing on a with prejudice basis to propose settlements of both appeals before LPAT, being LPAT Case Nos. PL160910 and PL180033. The settlement offer remains open until the end of the City Council meeting scheduled to commence on June 18, 2019.

### Background:

On September 25, 2015, 100 Broadway Developments Inc. (the former owner) submitted a rezoning application with respect to the 100 Property, which was appealed on September 15, 2016. At its meeting of November 7, 8 and 9, 2017, City Council endorsed a settlement of the appeal. A settlement hearing before LPAT took place on December 18, 2017, and LPAT issued its decision on January 22, 2018, approving a 36-storey building on the 100 Property, in

accordance with the terms of the settlement with the City. The formal Order of the Tribunal was withheld pending the completion of certain conditions. The 100 Property was subsequently acquired by 100 Broadway.

On August 18, 2017, 110 Broadway submitted a rezoning application with the City for these lands to permit the redevelopment of a 28-storey building and a 35-storey building, joined by a 4 – 8 storey podium building (the “**110 Application**”). On December 21, 2017, 110 Broadway appealed the 110 Application to the Tribunal. This appeal remains outstanding.

### **Comprehensive Redevelopment:**

The 100 Property and 110 Property are immediately adjacent to each other and extend to the east from Redpath Avenue. In planning the redevelopment of both the 100 Property and the 110 Property, our clients have taken a comprehensive, coordinated and integrated approach, providing for greater benefits, opportunities and advantages for the public realm and the local community. These benefits include:

- The dedication of a substantial new public park (approximately 746 square metres in size) at the northeast corner of Broadway Avenue and Redpath Avenue (the “**Park**”);
- Privately-Owned Publicly Accessible Space (“**POPS**”) directly north of the Park and east of the Park, along Broadway Avenue, providing for a network of open space, complementing and enhancing the proposed Park;
- A mid-block connection 5.0 metres wide, running parallel to the easterly boundary of the 110 Property; providing a pedestrian pathway connecting Broadway Avenue to the north of the 110 Property, and creating an opportunity for a future connection to Erskine Avenue and the Redpath Avenue Parkette;
- As part of implementation, opportunities for additional POPS will be explored along the northern and westerly portions of the 110 Property, provided such POPS do not impact the proposed density or built form and recognizing that our client would endeavour to replace any outdoor amenity space removed in these areas and, if not possible, that the amount of required outdoor amenity space would be decreased accordingly in the implementing zoning by-law amendment(s);
- Shared loading and below-grade vehicular access between the 100 Property and the 110 Property, with access to both properties being provided by a shared driveway from Redpath Avenue at the north end of the 100 Property, and the opportunity for shared parking facilities between the 100 Property and the 110 Property to be secured in the implementing zoning by-law amendments;



- Shared access with the property municipally known as 124 Broadway Avenue, which is immediately east of the 110 Property, over the driveway and flanking areas proposed on the 110 Property from Broadway Avenue, in the form of a surface easement for vehicular and loading pickup/drop-off and pedestrian movement as part of any future redevelopment of that property, in the form of easement agreed to between CAPREIT Limited Partnership and 110 Broadway, in order to limit the number of access points from Broadway Avenue; and
- A significant rental housing component to be provided as part of the redevelopment of the 100 Property, intended to be a purpose-built rental project totalling 413 rental units, with 200 affordable units, 165 mid-range units, 9 high-end units and 39 market units, being provided.

This integrated approach has resulted in this with prejudice settlement offer to the City in respect of the outstanding LPAT appeal regarding the 110 Property. In addition, to facilitate the comprehensive redevelopment of the lands, and provide many of the community benefits listed above, it is necessary to revise certain aspects of the LPAT approval for the 100 Property. In this regard, details of our clients with prejudice settlement offer for 110 Broadway, as well as a request for City Council to support revisions to the LPAT decision of January 22, 2018, respecting the 100 Property, are provided in detail below.

### **With Prejudice Settlement Offer for 110 Broadway**

110 Broadway's with prejudice settlement offer of its appeal of its rezoning application for the 110 Property is based on the revised proposal found in the attached architectural plans dated June 11, 2019, prepared by IBI Group (the "**Revised Plans**"). The Revised Plans are a result of comprehensive discussions with City staff and other various stakeholders, including local residents and CAPREIT through LPAT mediation.

Through the hard-work of all stakeholders, we are pleased to present this settlement offer to City Council. In addition to the public benefits listed above, fundamental components of this settlement offer and significant revisions to the original proposal, which are incorporated into the Revised Plans, are as follows:

- The 110 Application originally proposed to redevelop the 110 Property with two towers, 28 storeys (north) and 35 storeys (south) in height, connected by a base building 4 to 8 storeys in height. The proposal has been revised so that the north tower, previously 28 storeys in height, is now proposed to be 21 storeys and the south tower is proposed at 33 storeys in height – previously 35 storeys. The podiums and connecting base building are now proposed to be 4, 6 and 8 storeys in height.

- The north tower has been sculpt, stepping down from 21 storeys to 20 storeys at the rear of the building, so that there are no net new shadows in relation to the existing condition on Redpath Avenue Parkette.
- The south podium and tower has been reconfigured. The podium has been pulled back from the eastern property line to increase the proposed setback from 5.5 metres to 14.35 metres, and the tower has also been pulled west, increasing the setback from the eastern property line from 12.5 metres to 15.85 metres, providing a more visible street view to the northern tower. In addition, the south podium and tower has been shifted increasing the setbacks to the west property line. The podium setback has been increased from 9 metres to 10.74 metres and the tower setback has been increased from 12.5 metres to 15 metres. These revisions result in increased tower separation along Broadway Avenue.
- The FSI for the project has been reduced from 9.45 to 8.2 (approximately 46,531 square metres). The implementing zoning by-law amendment would include permission for approximately 600 square metres of this density for office uses.

### **Request for City Support for Revisions to 100 Broadway**

As indicated above, in redeveloping the 100 Property and the 110 Property in a coordinated and integrated manner, certain revisions to the 100 Property development are required to implement the comprehensive proposal.

In particular, 100 Broadway now proposes to incorporate additional lands located directly north of the Property, at 227 – 233 Redpath Avenue, as part of a revised development proposal for the 100 Property (the “**Revised 100 Proposal**”). The lands which comprise the Revised 100 Proposal would thus include 100 Broadway Avenue and 223 – 233 Redpath Avenue (collectively, the “**Expanded 100 Property**”), with a total site area of approximately 2,419 square metres. The additional lands would enable the approved tower to be shifted to the north and thereby enable the creation of a new Park at the northeast corner of Broadway Avenue and Redpath Avenue. (Notice of the Expanded 100 Property has been provided to the public. A case management conference before LPAT occurred on April 10, 2019, with no expression of interest from any new party.)

Given the enlarged site area of the Expanded 100 Property, the Revised 100 Proposal incorporates several modifications to the Tribunal-approved settlement for the original 100 Property, as follows:

- In order to accommodate the creation of the new Park at the northeast corner of Broadway and Redpath, the tower and podium have been shifted northerly.



- The overall height of the approved 36-storey building would remain the same, but the north portion of the building now steps down at the 34th floor to ensure no new net shadows on Redpath Avenue Parkette.
- While the tower has been shifted north, the tower setback from the new north property line of the Expanded Property is proposed to be increased from 10 metres to 11.5 metres.
- Because the Expanded 100 Property now includes additional lands, the FSI has decreased from 13.38 to 11.1.
- POPS is to be provided along a portion of the south and east of the building, wrapping around the southeast corner of the building.
- A significant rental housing component to be provided as part of the redevelopment of the 100 Property, intended to be a purpose-built rental totalling 413 rental units, with 200 affordable units, 165 mid-range units, 9 high-end units and 39 market units, being provided.

Architectural plans with respect to the Revised 100 Proposal for the Expanded 100 Property are included in the package of the Revised Plans, appended to this settlement letter.

### **Section 37 Contribution**

The settlement offer would include separate Section-37 contributions for the 100 Property and the 110 Property, as follows:

- The 100 Property – An indexed financial contribution of \$650,000.00, to be provided prior to issuance of the first above-grade building permit, would be secured in addition to the \$1.1-million already secured as part of the previous provisional LPAT approval.
- The 110 Property – A total contribution of \$7.5-million would be secured in respect of the 110 Property, comprised of the following matters (with any financial contributions to be provided to the City prior to the first above-grade building permit for the 110 Property):
  - fifty (50) additional affordable housing units to be provided in the building constructed on 100 Broadway (with a value of \$3.0-million);
  - parkland over-dedication of approximately 86 square metres as part of the new park being created on the 100 Property (with a value of \$1.5-million); and,

- \$3.0-million financial contribution towards community services and facilities, local parkland improvements and/or public realm improvements within the vicinity of the 110 Property.

## **Implementation**

We believe that the revised proposals for the 100 Property and the 110 Property represent a significant effort by our clients to address the comments received from City staff, local residents and adjacent neighbours, capitalizing on a unique opportunity to plan for a comprehensive and integrated approach with respect to both properties and to provide for significant public realm benefits for the local community.

As indicated above, given the integrated approach to the two projects, we are not only asking City Council to accept the with prejudice settlement offer for the 110 Property, based on the terms contained in this letter, but are also requesting that City Council direct City legal and planning staff, as necessary, to support a request by our client to LPAT to amend its decision of January 22, 2018, respecting the 100 Property, as shown in the Revised Plans. Such approval would allow our clients to, among other things, provide for a significant parkland contribution to the City in a desirable location at the corner of Broadway Avenue and Redpath Avenue.

In respect of the 110 Property, our client would also agree that implementation of the settlement at the Tribunal remain conditional upon the following matters, which must be completed prior to issuance of any final order by LPAT:

- preparation of zoning by-law amendment(s), in a form acceptable to the parties;
- the execution of a Section 37 agreement, in a form satisfactory to the City solicitor, for which the City and our client will work cooperatively and in good faith to finalize as soon as possible; and
- City Council has approved the rental housing demolition application with respect to the 110 Property.

Other settlement terms in respect of the 100 Property as endorsed by City Council at its meeting of November 7, 8 and 9, 2017 and approved by the Tribunal in its decision of January 22, 2018, would continue to apply.

A Tribunal prehearing conference for the 100 Property is scheduled for July 25, 2019. A two-week Tribunal hearing for the 110 Property is scheduled to commence July 29, 2019. We anticipate requesting that the Tribunal hear both matters, respecting the 100 Property and the 110 Property, together to obtain a comprehensive approval from the Tribunal, implementing the collective plan and vision for both sites.

**Conclusion:**

Our clients are extremely appreciative of the good faith efforts of all stakeholders in this matter and hope that City Council will accept this with prejudice settlement offer. As noted above, this settlement offer remains open until the end of the City Council meeting scheduled to commence on June 18, 2019. We appreciate 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**



David Bronskill

DJB/JBH