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April 26, 2021

Our File No.: 182289

WITHOUT PREJUDICE

Via Email

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

Attention: Mark A. Piel

Dear Sirs/Mesdames:

**Re: LPAT Case No. PL200215 – 40-44 Broadway Avenue
Without Prejudice Offer to Settle**

We are solicitors for Collecdev Inc., who are the authorized agent in respect of the rezoning application, and subsequent appeal to the Local Planning Appeal Tribunal (“**LPAT**”), for the lands known municipally in the City of Toronto as 40-44 Broadway Avenue (the “**Property**”). We are writing on behalf of our client with a without prejudice settlement offer in respect of the above-noted matter. This settlement offer would remain open until the end of the City council meeting scheduled to commence on May 5, 2021.

As you know, our client has engaged in without prejudice mediation with City staff, the neighbouring property owner and resident groups over the last several months regarding the redevelopment proposal for the Property. These discussions have resulted in a revised site plan and massing, dated April 20, 2021 and prepared by KPMB Architects, and attached to this letter (the “**Revised Plans**”).

The terms of this without prejudice settlement offer are as follows:

1. The settlement offer is based on the Revised Plans, which would be implemented through the resulting zoning by-law.

The Revised Plans show a public park of approximately 396 square metres, to be dedicated to the City in the southeast portion of the Property unencumbered and for nominal consideration. The public park would be conveyed to the City in accordance with the City’s Policy for Accepting Potentially Contaminated Lands

and constructed to base park conditions, prior to the issuance of the first above-grade building permit for the development on any part of the site. This conveyance would be secured through the Section 37 Agreement and the zoning by-law amendment. We note that the on-site parkland dedication would satisfy the parkland requirement for the redevelopment of the Property in accordance with the Revised Plans in Chapter 415 of the City of Toronto Municipal Code.

2. A surface easement with a depth of 7.5 metres from the front property line would be provided to the City for the balance of the frontage along Broadway Avenue, to be secured through the Section 37 Agreement, for the purpose of the City implementing the Park Street Loop on the site within the easement area.
3. Among other matters, the ground floor has been revised to move the residential lobby closer to Broadway Avenue and with an enhanced presence, move the loading space and enclosed parking ramp to the rear of the Property, move the air intake vent away from the new public park, provide vehicle lay-by spaces and repositioned pedestrian walkways, and move the bicycle parking spaces for the church out of the public realm along Broadway Avenue. Weather protection would be provided in accordance with the Revised Plans, subject to the satisfaction of the Chief Planner.
4. The tower now has a height of 39 storeys (125.45 metres, including the mechanical penthouse), which results in the metric height of the tower being lower than the approved towers on the south side of Broadway Avenue.
5. The zoning by-law amendment would secure indoor and outdoor amenity space at a rate of 2.0 square metres for each component in accordance with Zoning By-law No. 569-2013.
6. The zoning by-law amendment would require a minimum of 10% 3-bedroom units, 15% 2-bedroom units and an additional 15% combination of 2-bedroom and 3-bedroom units (or units that can be converted to 2-bedroom and 3-bedroom units through the use of adaptable design measures). In addition, our client has agreed to work with City staff to distribute the 3-bedroom units throughout the tower.
7. The zoning by-law amendment would implement the parking supply provided on the Revised Plans.
8. Our client has agreed that the treatment of the base building and tower will be light-coloured materials, in a manner similar to the contextual images provided in the Revised Plans.
9. Our client has agreed that it will, pursuant to the site plan control application process for the development, prepare and implement an illumination plan for the

development, to the satisfaction of the Chief Planner & Executive Director, City Planning.

10. A financial contribution of \$2.5-million, to be paid before the issuance of the first above-grade building permit, and to be indexed upwardly in accordance with the Building Construction Price Index, will be secured in the implementing zoning by-law amendment and Section 37 Agreement for local improvements in the vicinity of the Property, in consultation with the local councillor, to be detailed through the Section 37 Agreement.

As part of accepting this without prejudice settlement offer, City Council would direct the City Solicitor, and other appropriate staff, to attend before the Local Planning Appeal Tribunal in support of the settlement and to prepare any required official plan amendment and/or zoning by-law amendment(s) for approval by the Local Planning Appeal Tribunal, with any final order withheld pending:

- the City solicitor confirming that the zoning by-law amendment(s) reflect the terms of the settlement and are in satisfactory final form and content to the Chief Planner & Executive Director, City Planning;
- submission of an updated Functional Servicing Report, Stormwater Management Report and Hydrogeological Report (the “Engineering Reports”), to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
- satisfactory arrangements with Chief Engineer and Executive Director, Engineering and Construction Services for the construction of new infrastructure or any improvements to the existing municipal infrastructure, should it be determined in the Engineering Reports that new infrastructure and/or upgrades/improvements are required to the existing infrastructure, to support this development, and that the applicant has entered into a financially secured agreement to pay for and construct any necessary municipal infrastructure; and
- execution and registration of a Section 37 agreement in priority, to the satisfaction of the City Solicitor, to secure the community benefits outlined above in accordance with the Planning Act before it was amended by Bill 108 and Bill 197, as well as any matters of legal convenience to implement the matters listed above.

As noted above, this without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on May 5, 2021, after which it should be considered as withdrawn.

Our client greatly appreciates the hard work of City staff that had enabled the presentation of this settlement offer to City council.

Yours truly,

Goodmans LLP



David Bronskill
DJB/ bp

cc: Client

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