



April 27, 2021

Our File No.: 00-1784

Metro Hall
55 John Street, 26th Floor
Toronto, Ontario M5V 3C6

Attention: Ms. Jessica Braun, City Legal

Dear Madame:

Re: 260 King Street – “Without Prejudice”- Offer to Settle Outstanding Issues

As you are aware, we are the solicitors for ODC Holdings (V) Limited, the owners of the properties municipally known as 254-266 King Street East, 427-435 Adelaide Street East and 157 Princess Street (the “Site”) in the City of Toronto. On January 23, 2019, following a settlement hearing where City Staff and City Council supported our client’s proposed development, the LPAT issued a decision and partial order which approved, in principle, the proposed development, subject to certain conditions.

Since that time, our client has been working cooperatively with City Staff in order to implement the terms of the settlement, including working to finalize the implementing conservation plan, heritage easement agreement and zoning by-law amendments. In doing so, our client was asked to consider a number of improvements to the conservation strategy for the heritage buildings, which resulted in several revisions to the overall design of the project.

The following sets out the list of revisions and/or conditions that our client will agree to, on the condition that Council considers this offer at its May 5th Council meeting:

1. ! While the heritage conservation strategy that was endorsed in 2019 included the retention “in situ” of the facades at 256 King Street East (other than the east wall which was to be reconstructed), 266 King Street East, 157 Princess Street and 427 Adelaide Street, our client has now agreed to conserve the entirety of the two buildings facing King Street East (up to a depth of 20m from King Street East), including the interior floors, “in situ”. With the interiors of the two King Street buildings remaining “as is”, there is no longer a need to coordinate the alignment of all of the interior floors of the heritage buildings with the rest of the development, which has given rise to the built form changes described below;
2. ! In order to provide a more “pedestrian friendly” podium height, our client has agreed to reduce the height of the base building from 33m to 30.2m;
3. ! The overall measured heights of the buildings have been revised as follows:
 - a. ! The height of the lower portion of the towers has been revised to 64.8m;
 - b. ! The overall tower heights have increased from 116m and 122m including mechanical penthouse to 118.8m and 124.8m including mechanical penthouse;

- c. ! The height of the elevator overrun above the mechanical penthouse has been capped at 4m;
 - d. ! A minimum floor to ceiling height for the retail space along Adelaide Street of 3.5 metres; and
 - e. ! For each residential floor, a minimum floor to ceiling height of 2.59 metres measured from the top of slab to the bottom of the ceiling slab above, excluding localized bulkheads;
4. ! While the 2019 settlement included a restriction on projecting balconies for the 23m portion of the Site where the towers overlap each other, our client has now agreed to a restriction on projecting balconies for the entire east face of the Princess Street tower and the entire west face of the Ontario Street tower;
5. ! The 2019 settlement included a recommendation to encourage our client to explore providing additional retail uses at grade. Our client has now agreed that 75% of the frontage along Adelaide Street be used for retail uses;
6. ! As a result of the revisions noted above, the gross floor area has been revised as follows:
- a. ! A maximum total gross floor area of 72,000 square metres;
 - b. ! A maximum residential gross floor area of 66,550 square metres;
 - c. ! The revised plans continue to comply with the minimum 3750 square metre office gross floor area requirement;
7. ! As a result of the re-configuration of the floors within the buildings, our client has added a tiered outdoor amenity space between the two towers;
8. ! Our client's agreement to the revisions noted above is conditional on the City working cooperatively with our client to finalize the implementing zoning by-law amendments substantially in accordance with the revisions noted above and with the revised plans attached hereto;
9. ! Although the Site is within a Regeneration Area where maximum heights and densities are not prescribed, in exchange for the approximately 5000 square metres of increased total gross floor area permitted for the Site, our client will agree to an additional cash contribution of \$400,000, payable upon the issuance of the first above-grade building permit for the development;

Other than the revisions specifically noted above and shown on the attached revised drawings, all other terms of the March 2018 Council endorsed settlement remain as is. Please note, while the March 2018 Council approval included a requirement to submit certain technical studies prior to the issuance of the LPAT's final order, those requirements have now been satisfied, with the exception of the noise, air quality and hydrogeological reports, which our client and the City have agreed to defer to the site plan approval stage.

Should you have any questions or require any additional information, please do not hesitate to contact the writer or Jessica Smuskowitz, a lawyer in our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'AJB', with a stylized flourish extending to the right.

Adam J. Brown
AJB/jn

cc: Mr. Thomas Rees, Community Planning