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July 2, 2021

Our File No.: 163251

Without Prejudice

Planning & Administrative Tribunal Law
City of Toronto Legal Services
55 John Street, 26th Floor, Metro Hall
Toronto, ON M5V 3C6

Attention: Sarah O'Connor/Jessica Braun, City Solicitor

Dear Sirs/Mesdames:

**Re: LPAT Case No. PL170069
2915 Bloor Street West
Without Prejudice Settlement Offer**

We are the solicitors for 2915 Bloor Street West Limited Partnership, the owners of the properties known municipally as 2915 Bloor in the City of Toronto (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 July 14, 2021.

As you know, our client engaged in without prejudice mediation with City staff and area residents over the last several months regarding the redevelopment proposal for the Property. This mediation has resulted in a revised site plan and massing based on the attached plans prepared by IBI Group Architects (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 presented to the Local Planning Appeal Tribunal ("**LPAT**") for approval and implemented through the resulting zoning by-law amendment(s). Among other matters:
 - a. The overall height is seven storeys (with a metric height of 22.45 metres to the top of the roof and an additional 5.0 metres for the mechanical penthouse), which is slightly lower than the settlement accepted by City Council in respect of the property known municipally as 3005 Bloor Street West;

- b. The front setback has been increased to achieve a distance of 5.3 metres from the curb to building face (as the curb exists today) for the first and second storeys with the cantilever above the second floor reduced to 1.0 metre of depth;
 - c. The front setbacks include a setback of 1.5 metres from the building face above the fifth floor and 1.5 meters from the building face above the sixth floor with a .5 meter balcony projection permitted above the sixth floor only;
 - d. The rear of the building has been designed to achieve full compliance with the rear angular plane (shallow-lots) from the Mid-Rise Performance Standards;
 - e. Rear balconies and terraces have been designed with permanent planters, as detailed in Drawing A202 (Section – BB), to be secured in the implementing condominium documents, to provide screening from the neighbourhood to the south;
 - f. The Revised Plans include side setbacks of 3.0 metres above the 5th floor (with the exception of the projecting stairwells), with no primary windows, terraces or balconies located along this setback but with an opportunity for clerestory windows and green roof;
 - g. The mechanical penthouse has been reduced in size, as shown on the roof plan;
 - h. The zoning by-law amendment(s) would secure vehicle parking to the satisfaction of City staff, which is still under discussion and subject to the provision of a parking study as noted below;
 - i. The zoning by-law amendment(s) would secure a minimum of 10% of all dwelling units as 3-bedroom units and a minimum of 15% of all dwelling units as 2-bedroom units; and,
 - j. The zoning by-law amendment(s) would secure minimum amenity space requirements of 2.0 square metres of indoor amenity space per unit and 2.0 square metres of outdoor amenity space per unit. The amount of rooftop indoor amenity space has been carefully designed to achieve a kitchen, universal washroom, dog wash area and access to the outdoor amenity space, while the rooftop outdoor amenity space has generally been designed to face Bloor Street West, with the exception of a rooftop dog relief area that is screened from the residential area to the south.
2. A financial contribution of \$550,000.00, to be paid before the issuance of the first above-grade building permitted, and to be indexed upwardly in accordance with the Building Construction Price Index from the date of the LPAT decision approving the development, will be secured in the implementing zoning by-law amendment(s) and Section 37

Agreement. The funds will be used for local improvements in the vicinity of the Property, including but not limited to the Kingsway BIA for capital improvements, streetscape improvements (including upgrades to the Bloor West Bike-Lands through the Kingsway Shopping District), and local traffic calming measures, all to the satisfaction of the Chief Planner in consultation with the local councillor, to be detailed through the Section 37 Agreement.

3. Although not shown on the Revised Plans and outside the scope of a Section 37 contribution, our client has agreed to work with area residents to provide appropriate screening on the south side of the public laneway (on private property), in consultation with area residents to a maximum amount of \$50,000.

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

1. The form of the implementing zoning by-law amendment(s) being finalized to the satisfaction of the parties;
2. The owner entering into an agreement under Section 37 of the *Planning Act* to secure the above-noted financial contribution, as well as certain matters of legal convenience:
 - a. as part of the site plan approval process, the owner would work with City staff to provide space within the development for installation of maintenance access holes and sampling ports on the Property, as close to the Property line as possible, for both storm and sanitary service connections, in accordance with the Sewers By-law Chapter 68-10;
 - b. as part of the site plan approval process, the owner would work with City staff to achieve appropriate unit sizes for the 2-bedroom and 3-bedroom units to accommodate families;
 - c. as part of the site plan approval process, secure the road widening of 0.4 metres along the Bloor Street West frontage of the Property and a laneway widening of 1.67 metres across the rear of the Property abutting the existing public laneway;
 - d. as part of the site plan approval process, secure planters for the rear terraces, including an obligation for maintenance as part of the common elements of the condominium corporation, to ensure year-round plantings that provide visual screening; and,

- e. satisfactory arrangements with the Chief Engineer and Executive Director, Engineering and Construction Services for the design and construction of new infrastructure or any improvements to the existing municipal infrastructure, should it be determined in the revised Functional Servicing Report and/or revised Hydrogeological Report, as required below, that new infrastructure and/or upgrades/improvements are required to the existing infrastructure, to support this development, and that the owner has entered into a financially secured agreement to pay for and construct any necessary municipal infrastructure, with any such agreement to be executed prior to issuance of an above-grade building permit.
3. Submission of the following outstanding reports, to the satisfaction of the applicable City department:
- a. Revised Functional Servicing Report, to the satisfaction of Engineering and Construction Services;
 - b. Revised Hydrogeological Report, to the satisfaction of Toronto Water;
 - c. Revised Transportation Study, to the satisfaction of Transportation Services; and,
 - d. Parking Study, to the satisfaction of Transportation Services.

As noted above, this without prejudice settlement offer will remain open until the conclusion of the City Council meeting scheduled to commence on July 14, 2021, after which it should be considered as withdrawn. Should the settlement offer be accepted by City Council, it may be released publicly. Until such time as the offer is accepted, it remains confidential and without prejudice.

Our client and its consultant team greatly appreciate the extensive efforts of City staff to work with us in reviewing these matters and providing feedback through mediation to result in the Revised Plans. Our client believes the Revised Plans represent good planning and an appropriate resolution for the Property.

Please let us know if further clarification is required in respect of this without prejudice settlement offer.

Yours truly,

Goodmans LLP



David Bronskill

DJB/
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