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Our File No.: 160217

With Prejudice

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

Attention: Mark Crawford

Dear Sirs/Mesdames:

**Re: 2 Tecumseth Street & 125-133 Niagara Street –LPAT Case No. PL180387
Official Plan Amendment No. 273 – LPAT Case No. PL140178
Settlement Offer**

We are solicitors for TAS Tecumseth Niagara LP, who are the owners of the properties known municipally as 2 Tecumseth Street and 125-133 Niagara Street in the City of Toronto (the “**Property**”). On November 17, 2017, our client submitted official plan and rezoning applications to permit the redevelopment of the Property (the “**Application**”). Our client also assumed carriage of an appeal of Official Plan Amendment No. 273 (“**OPA 273**”).

Based on extensive discussions between our client and City staff, we are writing on behalf of our client to provide a with prejudice settlement offer in respect of our client’s appeal of the rezoning application and OPA 273 that are before the Local Planning Appeal Tribunal (“**LPAT**”).

The settlement offer is based on the plans prepared by KPMB and dated June 25, 2019 (the “**Revised Plans**”), which are attached hereto and form part of the with prejudice settlement offer. Please note that this with prejudice settlement offer will remain open for consideration by the City until the conclusion of the City Council meeting scheduled to commence on October 2, 2019.

The Revised Plans

The fundamental components of this with prejudice settlement offer are based on the Revised Plans. In particular, we note revisions to the Application, which are incorporated into the Revised Plans:

- **Parkland:** Our client is proposing to convey 1,493 square metres of land to the City for public parkland to form part of the proposed expansion of Stanley Park. A cash in lieu will be provided for the remainder of any parkland requirement pursuant to Chapter 415 of the City of Toronto Municipal Code. Our client intends to enhance this parkland beyond the typical base park improvements, subject to appropriate development charge credits being secured. As part of implementation, we will also work with City staff regarding the use of development charge credits for proposed public realm improvements at the terminus of Tecumseth Street.
- **Built Form:** The proposal now consists of four (4) buildings with a variety of proposed uses through the removal of what had been known as Building 5 and Building 6. Further, the built form for Building 1, Building 2 and Building 3 has been revised since submission of the Application. Building 4 is largely unchanged.
 - Building 1: This building now consists of an office podium component with a residential tower above to a height of 83 metres. The average floor plate of the tower is shown on the Revised Plans as 774 square metres.
 - Building 2: The overall height has been reduced from 141.5 metres to 98 metres to ensure shadows are removed from Stanley Park as of 10:18 a.m. on both the spring and fall equinoxes. The podium has been designed to frame the Wellington Destructor as a focal point for the precinct and to provide access to light and views through the new public realm and to Fort York to the south.
 - Building 3: The overall height has been reduced from 54 metres to 36 metres to mitigate shadow impacts, with the use changed from residential to commercial.
 - Building 4 is largely unchanged.
- **Unit Mix:** The Revised Plans confirm our client's commitment to providing a minimum 10% 3-bedroom units and 20% 2-bedroom units.
- **Non-Residential Uses:** The Revised Plans are consistent with the policy direction in OPA 273 for new development on the Property to provide a minimum of 1.0 times the lot area for residentially compatible employment space.

Section 37

As part of this with prejudice offer, our client's voluntary Section 37 contribution would be the provision of affordable rental housing units, to a maximum value of \$6,000,000.00, either within the development or by way of a financial contribution in lieu of units. If provided within the development, the affordable rental housing units would be in the form of thirty (30) units at 80% Average Market Rate (AMR), secured for a duration of thirty (30) years. As part of providing

any such affordable rental housing units, our client would also agree that no such units will form part of an application for condominium registration for at least twenty-five (25) years from the date upon which the first new purpose-built affordable rental dwelling unit is occupied.

The Section 37 Agreement would also secure the following other matters as a means of legal convenience:

- a requirement that our client use reasonable efforts to secure additional funding and/or beneficial financial arrangements in support of the provision of additional affordable housing through Federal (CMHC or otherwise), Provincial and/or Municipal (such as “Open Doors”) funding programs;
- prior to the commencement of any excavation and shoring work, our client agrees to submit a Construction Management Plan, which will include (among other matters) the size and location of construction staging areas, information on concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information and a communication strategy with the surrounding community, all to the satisfaction of the appropriate City staff, in consultation with the Ward Councillor, and to implement such plan during construction; and,
- the design and construction of any required rail safety measures.

Implementation

As noted above, this comprehensive with prejudice settlement offer is open for consideration by City Council until the conclusion of its meeting scheduled to commence on October 2, 2019. The intention is to present any settlement of our client’s appeal of the Application to LPAT at a settlement hearing as soon as it can be scheduled after this meeting of City Council.

However, as part of this with prejudice settlement offer, our client would agree to request LPAT to withhold any final order pending the following:

- Our client has finalized the form and content of the implementing zoning by-law amendments and modifications to OPA 273.
- Our client has entered into a Section 37 Agreement, with such Section 37 agreement registered on title, all to the satisfaction of the City Solicitor.

Conclusion

Our client and its consultant team appreciate the extensive efforts of City staff to review these matters and provide feedback as part of preparing this with prejudice settlement offer. 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 with prejudice settlement offer.

Yours truly,

Goodmans LLP

A handwritten signature in blue ink, appearing to read 'D Bronskill', is written over the printed name.

David Bronskill
DJB/
6955911