



November 28, 2023

Our File No.: 222814

WITHOUT PREJUDICE

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

Attention: Marc Hardiejowski & Uttra Gautam

Dear Sirs/Mesdames:

**Re: Case No. OLT-22-004578 – Settlement Offer
774-782 Marlee Avenue, City of Toronto**

We are solicitors for Urban Capital Harbour (Marlee) Inc. in respect of the properties known municipally as in the City of Toronto as 774-782 Marlee Avenue (the “**Lands**”). We are writing on behalf of our client to provide a without prejudice settlement offer in respect of the above-noted matter, which should be considered as open until the conclusion of the City Council meeting scheduled to commence on December 13, 2023, unless otherwise indicated.

As you know, our client engaged in without prejudice mediation with City staff over the last several months regarding the redevelopment proposal for the Lands. These has resulted in a revised set of plans, prepared by RAW Design and attached to this without prejudice settlement offer (the “**Revised Plans**”). The Revised Plans may be subject to further revisions as required by the conditions set out in this letter. Our client greatly appreciates the efforts of City staff in achieving this proposed settlement.

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 official plan amendment and zoning by-law amendment(s). Key aspects of the Revised Plans include:
 - a. a reduced building height of 24-storeys (approximately 77.7 metres), subject to a geothermal exchange system to reduce the overall size of the required mechanical penthouse as generally shown on the Revised Plans;

- b. tower setbacks of 12.5 metres to the north property line, 12.5 metres to the west property line, and 31.6 metres to the centre line of the walkway to the south of the Lands;
- c. a sculpted podium achieving an enhanced public realm on Marlee Avenue;
- d. podium setbacks of 6.0 metres to the north property line, 7.5 metres to the west property line, and 7.5 metres to the centre line of the walkway to the south of the Lands; and,
- e. a tower floor plate of 750 square metres.

Our client agrees that, in the event City Council accepts this without prejudice settlement offer, the final order of the Ontario Land Tribunal would be withheld, pending completion of the following, with the Ontario Land Tribunal available to be spoken to in the event that an issue arises as a result of completion of these pre-conditions:

- a. the final form of the Official Plan amendment and the Zoning by-law amendments is finalized, satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor, which may include provisions for a holding by-law pursuant to Section 36 of the *Planning Act* regarding the provision of an acceptable sanitary system solution constructed and operational as determined by the Chief Engineer & Executive Director, Engineering and Construction Services, which may include the applicant obtaining MECP Environmental Compliance Approval and upgrading the existing municipal infrastructure off site, subject to review of the updated Functional Servicing Report to be provided by the Owner;
- b. the owner has satisfactorily addressed the Transportation Services and Engineering and Construction Services matters in the Engineering and Construction Services Memorandum dated August 10, 2023, and any outstanding issues arising from the ongoing technical review (including but not limited to provision of acceptable reports and studies, parking supply, and the Toronto Green Standards), as they relate to the Official Plan and Zoning By-law Amendment application to the satisfaction of the General Manager, Transportation Services and Chief Engineer and Executive Director, Engineering and Construction Services;
- c. Submit to the Chief Engineer and Executive Director of Engineering and Construction Services for review and acceptance, prior to approval of the rezoning application, a Functional Servicing Report to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development;

- d. Make satisfactory arrangements with Engineering and Construction Services and enter into the appropriate agreement with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the accepted Functional Servicing Report accepted by the Chief Engineer and Executive Director of Engineering and Construction Services;
- e. the owner has provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the acceptable Functional Servicing Report and Stormwater Management Report, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and General Manager, Toronto Water, where it has been determined that improvements or upgrades are required to support the development. In requiring any off site municipal infrastructure upgrades, the owner is to make satisfactory arrangements with Engineering & Construction Services for Work on the City's Right-of-Way;
- f. Provide space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681.10.
- g. the owner has submitted a Housing Issues Report and tenant relocation and assistance plan to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor in accordance with Official Plan Policy 3.2.1.12;
- h. the owner has submitted an updated Pedestrian Level Wind Study, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- i. the owner has submitted an updated complete Toronto Green Standards (TGS) Checklist and Statistics Template, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- j. the owner has submitted a revised Travel Demand Management Plan acceptable to, and to the satisfaction of, the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services; and,
- k. the owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the Zoning By-law Amendment application, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.

Our client also agrees to work with the City during the site plan approval process to maximize soil volumes on the Lands to support large tree planting, which may include lower underground elevations.

As noted above, this without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on December 13, 2023, unless otherwise indicated, at which point it should be considered as withdrawn if not accepted by City Council.

Yours truly,

Goodmans LLP



David Bronskill
DJB/

1391-8701-9016