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November 30, 2018

**Without Prejudice**

Our File No.: 151994

**Via E-mail**

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

**Attention: Alexander Suriano, City Solicitor**

Dear Sirs/Mesdames:

**Re: LPAT Case No. PL170348  
485-489 Wellington Street West**

As you know, we are solicitors for the owner of the properties known municipally as 485-489 Wellington Street West in the City of Toronto (the “**Property**”) in respect of its above-noted rezoning application (the “**Application**”).

We are writing on a without prejudice basis to propose a settlement of our client’s appeal, based on a revised proposal depicted in the attached architectural plans dated November 5, 2018 (the “**Revised Plans**”), and voluntary potential improvements to the Draper Street streetscape, as outlined below. This without prejudice settlement offer is open until the close of the City Council meeting scheduled to occur on December 13, 2018.

**Background to the Application**

As background, and as you know, our client has engaged in extensive consultation with the neighbourhood resident associations. Certainly, our client has gone well beyond the typical application process to work cooperatively with the community.

Even before submission, and at the request of Councillor Cressy, our client spent close to a year working with both the Wellington Place Association and the Draper Street Residents Association on the application materials. Following submission on February 9, 2016, our client continued to work with the community and further revised its application. Our client even hosted a second community information session, which is not required or typical with most applications.

Since the filing of the Application, our client has engaged in additional dialogue with area residents and City staff in an attempt to address outstanding issues. This included the mediation session conducted by the Local Planning Appeal Tribunal (“LPAT”) on September 6-7, 2018, which resulted in the support of the Draper Street Residents’ Association, the adjacent property owner (Portland Property Wellington Inc.) and the participants for the Revised Plans and this without prejudice settlement offer. The Revised Plans are also supported by City staff from Planning, Urban Design and Heritage Preservation Services.

## **Without Prejudice Settlement Offer**

In light of this support, our client is prepared to settle its appeal of the Application based on the Revised Plans. The fundamental components of this without prejudice settlement offer are based on the Revised Plans. We note the significant revisions to the Application, which are incorporated into the Revised Plans:

- **Height:** Our client reduced the height from 16-storeys (55.3 metres, including mechanical penthouse) to 14-storeys (45.00 metres, excluding mechanical penthouse).
- **Density:** The density has been reduced from 9,714 square metres (including 9,172 square metres of residential GFA) to 8,807.2 square metres (including 8,368.9 square metres of residential GFA).
- **Unit Count and Mix:** The Application proposed 136 units, which has been reduced to approximately 117 units in the Revised Plans. Our client would agree to secure a minimum 10% of the units as 3-bedroom units.
- **Site Organization:** Our client relocated the driveway to provide access from Wellington Street West. The east setback is now 3.2 metres to align the proposed building with the east face of the nearest townhouse unit on Draper Street, resulting in a substantial increase to the pedestrian sidewalk area. Finally, the proposed retail area was enlarged to wrap the corner to provide street animation.
- **Mechanical Penthouse:** Although not part of the settlement resulting from the mediation, our client would agree to continue to work with City staff in an effort to reduce the overall size, height and/or location of the proposed mechanical penthouse, but reserves its right to implement the Revised Plans without further revisions to the mechanical penthouse if such reduction is not possible for technical or financial reasons.

If the City agrees to accept this settlement offer, our client would also:

- explore options for the removal of three (3) street posts along Draper Street and the installation of below grade hydro lines and appropriate lighting on the building, at the request of the Draper Street Residents’ Association, at the owner’s expense and to a



maximum contribution of \$150,000.00 (\$50,000 per street post), subject to the agreement of the City of Toronto and Toronto Hydro;

- allocate three (3) of the proposed visitor parking spaces for purchase by residents on Draper Street, subject to City approval of the corresponding reduction in required visitor parking spaces; and,
- circulate the site plans to the Draper Street Residents' Association for its review and comment regarding the materials proposed for the podium along Draper Street, as part of our client's application for site plan approval.

Our client would also agree that implementation of the settlement will be conditional upon the following matters, which must be completed prior to issuance of any final order from the Local Planning Appeal Tribunal regarding the proposed zoning by-law amendment(s):

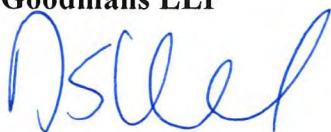
- a. preparation of zoning by-law amendment(s), in a form acceptable to the parties;
- b. submission of an updated Functional Servicing Report, an updated Hydrogeological Report addressing on-site groundwater and an updated Parking Study supporting the proposed parking supply, to the satisfaction of the City; and,
- c. submission of additional information to address outstanding comments contained in the February 10, 2017, memorandum from Engineering and Construction Services, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

Our client believes the Revised Proposal represents good planning and an appropriate resolution to our client's appeal. Accordingly, it is hopeful that this with prejudice proposal will be accepted by City Council at its meeting on December 13, 2018.

Please let us know if any additional information is required.

Yours truly,

**Goodmans LLP**



David Bronskill

DJB/

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