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January 21, 2021

BY EMAIL

**WITHOUT PREJUDICE AND CONFIDENTIAL**

Our File #132033

Mr. Mark Crawford  
Planning & Administrative Tribunal Law  
City of Toronto  
Metro Hall, 26<sup>th</sup> Floor  
55 John Street  
Toronto, ON M5V 3C6

Dear Mr. Crawford:

**Re: Revised Settlement Offer  
582-590 King Street West, 471-473 Adelaide Street West and 115 Portland  
Street, Toronto  
LPAT Case No. PL171014  
Municipality File No. 16 252547 NNY 10 OZ**

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As you are aware, we act on behalf of 738489 Ontario Limited (the “Applicant”), the owner of the property municipally known as 582-590 King Street West, 471-473 Adelaide Street West and 115 Portland Street, Toronto (the “Property”).

#### Background

On August 11, 2017, the Applicant submitted a Zoning By-law Amendment application to amend the former City of Toronto Zoning By-law No. 438-86 and City of Toronto Zoning By-law No. 569-2013 with respect to the Property.

The original Zoning By-law Amendment application proposed a commercial development consisting of a 6-storey building at 582-590 King Street West and a 12-storey building at 471-473 Adelaide Street West. The existing 4-storey buildings were proposed to be retained and the one-storey building at 471 Adelaide Street West was proposed to be demolished to accommodate the proposal.

On December 12, 2017, the Applicant appealed its Zoning By-law Amendment application to the Local Planning Appeal Tribunal due to Council’s failure to make a decision within the statutory timeline set out in the *Planning Act*.

On May 20, 2020, the Applicant submitted a with prejudice settlement offer with respect to the appeal of the Zoning By-law Amendment application (the “Original Settlement Offer”). At its meeting on July 28 and 29, 2020, City Council accepted the Original Settlement Offer.

Revised Settlement Offer

Further to our Original Settlement Offer, we have made minor revisions to the proposal, as depicted on the attached architectural floor plans and statistics chart, dated January 19, 2021, and as described below (the "Revised Settlement Offer"). We write to provide the following Revised Settlement Offer for City Council's consideration. Other than as described below, all of the terms of the Original Settlement Offer remain the same.

1. **Built Form of the King Building:**

- a. At the 7<sup>th</sup> and 8<sup>th</sup> floors, the setback from the east lot line is reduced from 5.5 metres to 0.0 metres with a 8.0 metre stepback above the 6<sup>th</sup> floor along King Street West; and
  - b. At the 9<sup>th</sup> floor, the setback from the east lot line is reduced from 5.5 metres to 0.0 metres with a 3.0 metre stepback above the 7<sup>th</sup> and 8<sup>th</sup> floors along King Street West.
2. **Gross Floor Area:** The total non-residential gross floor area is increased from 36,883 square metres to 37,434 square metres, inclusive of the existing commercial uses on the Property, as calculated in accordance with Zoning By-law 569-2013, as amended.
3. **Density:** The resulting density (inclusive of the existing gross floor area) is increased from 7.27 FSI to 7.38 FSI, calculated in accordance with Zoning By-law 569-2013, as amended.
4. **Section 37 Contribution:** The owner will increase the cash contribution from \$1,000,000 to \$1,015,000, to be secured in a Section 37 Agreement, registered on title, and such contribution shall be allocated to community services and facilities, parkland improvements and/or public realm improvements in the vicinity of the site. The indexing of the value of the contribution will be from the date of execution of the Section 37 Agreement.

If City Council does not accept this Revised Settlement Offer, this Revised Settlement Offer shall remain confidential and without prejudice.

In support of the this Revised Settlement Offer, please find enclosed the following materials:

1. Architectural floor plans and statistics chart, dated January 19, 2021, and prepared by KFA Architects + Planners.

Should you have any questions about the foregoing, please contact the undersigned or Maggie Bassani ([mbassani@airdberlis.com](mailto:mbassani@airdberlis.com)) / (416) 865-3401).

Yours truly,



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AIRD & BERLIS LLP



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cc: Client

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