

CC17.1 - Confidential Attachment 2 - made public on April 6, 2016

**mccarthy
tetrault**

McCarthy Tétrault LLP
PO Box 48, Suite 5300
Toronto-Dominion Bank Tower
Toronto ON M5K 1E6
Canada
Tel: 416-362-1812
Fax: 416-868-0673

John A.R. Dawson
Direct Line: (416) 601-8300
Direct Fax: (416) 868-0673
Email: jdawson@mccarthy.ca

February 26, 2016

Via Email

WITHOUT PREJUDICE

Ms. Kelly Matsumoto
Ms. Abbie Moscovich
City of Toronto
c/o Legal Department
Metro Hall, 26th Floor
55 John Street
Toronto ON M5V 3C6

Dear Mesdames:

RE: OMB Case No. PL141134 and related matters

**AND RE: Application No.: 15 256733 STE 20 OZ
420 Dupont Street and 275 Albany Avenue (the "Site")**

As you are aware, we are counsel to Leeken Investments Limited ("Leeken") respecting the above-referenced address in the above-captioned matter. Further to our discussion in the recent mediation conducted by the Ontario Municipal Board, we would like to take this opportunity to confirm the terms and conditions which our client proposes as a basis for the settlement of its appeals. This offer is conditional upon a further agreement on the final form of the entirety of the instruments necessary to implement these terms and conditions (i.e. modifications to OPA 231, modifications to OPA 271, a zoning by-law amendment, an agreement pursuant to section 37 of the *Planning Act*, minutes of settlement, and any other instruments as may be agreed upon) and on an agreement on seeking any necessary approvals from the Board.

Our client proposes to settle its appeal with the City of Toronto, before the Ontario Municipal Board, upon the appropriate implementation of the following:

1. Approval of a zoning by-law amendment which permits the construction and use of a building generally as described in the conceptual drawings prepared by Teeple Architects dated February 26, 2016 identified on Schedule "A" hereto, and for greater certainty shall provide:
 - (a) that the overall height shall not exceed 9 storeys (32 metres) plus 6 metres for mechanicals etc. which are to be located generally as set out on the concept plans;

216029/472437
MT DOCS 15323232v3

- (b) that the total residential gross floor area shall not exceed 24,769 square metres;
 - (c) that the non-residential gross floor area shall not exceed 2,301.1 square metres;
 - (d) no floor above the second storey shall have a gross floor area greater than 3,366.3 square metres;
 - (e) that at least 10% of the units will include 3 bedrooms;
 - (f) that at least 20% of the units will include 2 bedrooms or 2 bedrooms plus den;
 - (g) that with respect to the setback from the railway right-of-way, residential and commercial uses may be permitted within 30 metres thereof, provided that:
 - (i) under any circumstance, residential units are set back a minimum of 20 metres from the railway right-of-way, and residential units, enclosed residential amenity space or office uses located at grade are setback a minimum of 30 metres; and
 - (ii) alternative safety mitigation measures are accepted and incorporated in accordance with the applicable policies in OPA 271, as modified including the peer review requirement; and
 - (h) for a 2 metre step-back in the building along the Dupont frontage from the front wall of the building at a height of approximately 10.5 metres (i.e. at the top of the second floor) for the majority of this frontage, generally in accordance with the above referenced drawings.
2. The approval of OPAs 231 and 271, modified as necessary to permit the contemplated implementing zoning by-law to provide for the normal everyday use of the building and site otherwise for its intended purposes (both residential and employment), including such parts of each within 20 metres of the railway right-of-way.
 3. Execution of a Section 37 Agreement which provides that the Owner shall pay to the City funds in the amount of \$780,000.00 (Canadian) prior to the first above-grade building permit indexed in accordance with City practice at this time. Such funds will predominantly be used for streetscape improvements adjacent to the Site with the balance used for other capital improvements to public land or facilities in the general vicinity of the Site.
 4. A minimum of 2,200 square metres of non-residential gross floor area will be provided at grade.
 5. The City and Leeken shall seek a decision of the Ontario Municipal Board at the earliest practicable opportunity following the finalization of the implementing instruments and thus the settlement, but the Board will be requested to withhold its Order until the City Solicitor has advised the Board that the City has provided to Leeken, or to such party as Leeken may direct, a "NOAC" in respect of a site plan application filed for the Site, or if appealed, upon the Board determining such site plan.

216029/472437
MT DOCS 15323232v3

6. The City acknowledges that the plans herewith are conceptual only, and minor revisions to address structural and/or mechanical review and/or unit design considerations are anticipated and consistent with the settlement. For clarity, the non-residential and overall maximum height are intended to remain unchanged notwithstanding such minor revisions, and further, notwithstanding that the specific location of enclosed building "ins and outs" on any floor may change, the location, accounting for such revisions to the massing and pattern, of the south façade shall be generally as shown on the conceptual drawings herewith and no part of the building on the Dupont frontage on any floor shall extend further towards Dupont than the furthest building extent shown for that floor of the building on the plans herewith, nor shall the overall gross floor area of any floor increase.

With respect to paragraph 6 above, please note that with the timing constraints imposed by the mediation process and council's schedule, and given the desirability of providing as much graphic information as possible, the concept drawings provided herewith include demising lines between units which are held over from the previous scheme and have not been assessed on even a conceptual level so should be disregarded. Further, there are minor inconsistencies between the model rendering, 2nd floor plan and the elevations with respect to the south side of Level 2, but the gross floor area is accurate so there should be no confusion. Our architect is prepared to make himself available should further explanation be required. Finally, given that the nature of the mediation discussions has focussed on the building above grade, so do the attached concept drawings. Therefore, the parking areas have not been redrawn. Our client is prepared to provide parking to the minimums required in By-law 569-2013. Please do not hesitate to contact us for any clarification you require.

We look forward to hearing from you.

Yours truly,



John A.R. Dawson

JARD:sc

216029/472437
MT DOCS 15323232v3

SCHEDULE "A"
Conceptual Drawings prepared by Teeple Architects Inc. dated February 26, 2016

NO.	DRAWING NAME
A0001	Cover Sheet
A0002	Topographical and Boundary Survey
A0003	Site Plan Project Statistics
A201	Level 1 Plan/Site Plan
A202	Level 2 Plan
A203	Level 3 Plan
A204	Level 4 Plan
A205	Level 5 Plan
A206	Level 6 Plan
A207	Level 7 Plan
A208	Level 8 Plan
A209	Level 9 Plan
A210	Mechanical Penthouse Plan
A211	Roof Plan
A212	Parking Level P1
A213	Parking Level P2
A301	South East West Elevations
A302	North Elevation
A401	North South Building Section A
A402	North South Building Section B
A403	North South Building Section C
A404	East West Building Section 1

216029/472437
MT DOCS 15323232v3

[illegible]

AKC	EXTERNAL CRASH	IF
AK1	CRASH	
AK2	CRASH	
AK3	CRASH	
AK4	CRASH	
AK5	CRASH	
AK6	CRASH	
AK7	CRASH	
AK8	CRASH	
AK9	CRASH	
AK10	CRASH	
AK11	CRASH	
AK12	CRASH	
AK13	CRASH	
AK14	CRASH	
AK15	CRASH	
AK16	CRASH	
AK17	CRASH	
AK18	CRASH	
AK19	CRASH	
AK20	CRASH	
AK21	CRASH	
AK22	CRASH	
AK23	CRASH	
AK24	CRASH	
AK25	CRASH	
AK26	CRASH	
AK27	CRASH	
AK28	CRASH	
AK29	CRASH	
AK30	CRASH	
AK31	CRASH	
AK32	CRASH	
AK33	CRASH	
AK34	CRASH	
AK35	CRASH	
AK36	CRASH	
AK37	CRASH	
AK38	CRASH	
AK39	CRASH	
AK40	CRASH	
AK41	CRASH	
AK42	CRASH	
AK43	CRASH	
AK44	CRASH	
AK45	CRASH	
AK46	CRASH	
AK47	CRASH	
AK48	CRASH	
AK49	CRASH	
AK50	CRASH	
AK51	CRASH	
AK52	CRASH	
AK53	CRASH	
AK54	CRASH	
AK55	CRASH	
AK56	CRASH	
AK57	CRASH	
AK58	CRASH	
AK59	CRASH	
AK60	CRASH	
AK61	CRASH	
AK62	CRASH	
AK63	CRASH	
AK64	CRASH	
AK65	CRASH	
AK66	CRASH	
AK67	CRASH	
AK68	CRASH	
AK69	CRASH	
AK70	CRASH	
AK71	CRASH	
AK72	CRASH	
AK73	CRASH	
AK74	CRASH	
AK75	CRASH	
AK76	CRASH	
AK77	CRASH	
AK78	CRASH	
AK79	CRASH	
AK80	CRASH	
AK81	CRASH	
AK82	CRASH	
AK83	CRASH	
AK84	CRASH	
AK85	CRASH	
AK86	CRASH	
AK87	CRASH	
AK88	CRASH	
AK89	CRASH	
AK90	CRASH	
AK91	CRASH	
AK92	CRASH	
AK93	CRASH	
AK94	CRASH	
AK95	CRASH	
AK96	CRASH	
AK97	CRASH	
AK98	CRASH	
AK99	CRASH	
AK100	CRASH	



420 DUPONT STREET AND 275 ALBANY AVENUE

FEBRUARY 26, 2016 • WITHOUT PREJUDICE • CONCEPT DRAWINGS ISSUED FOR SETTLEMENT PURPOSES

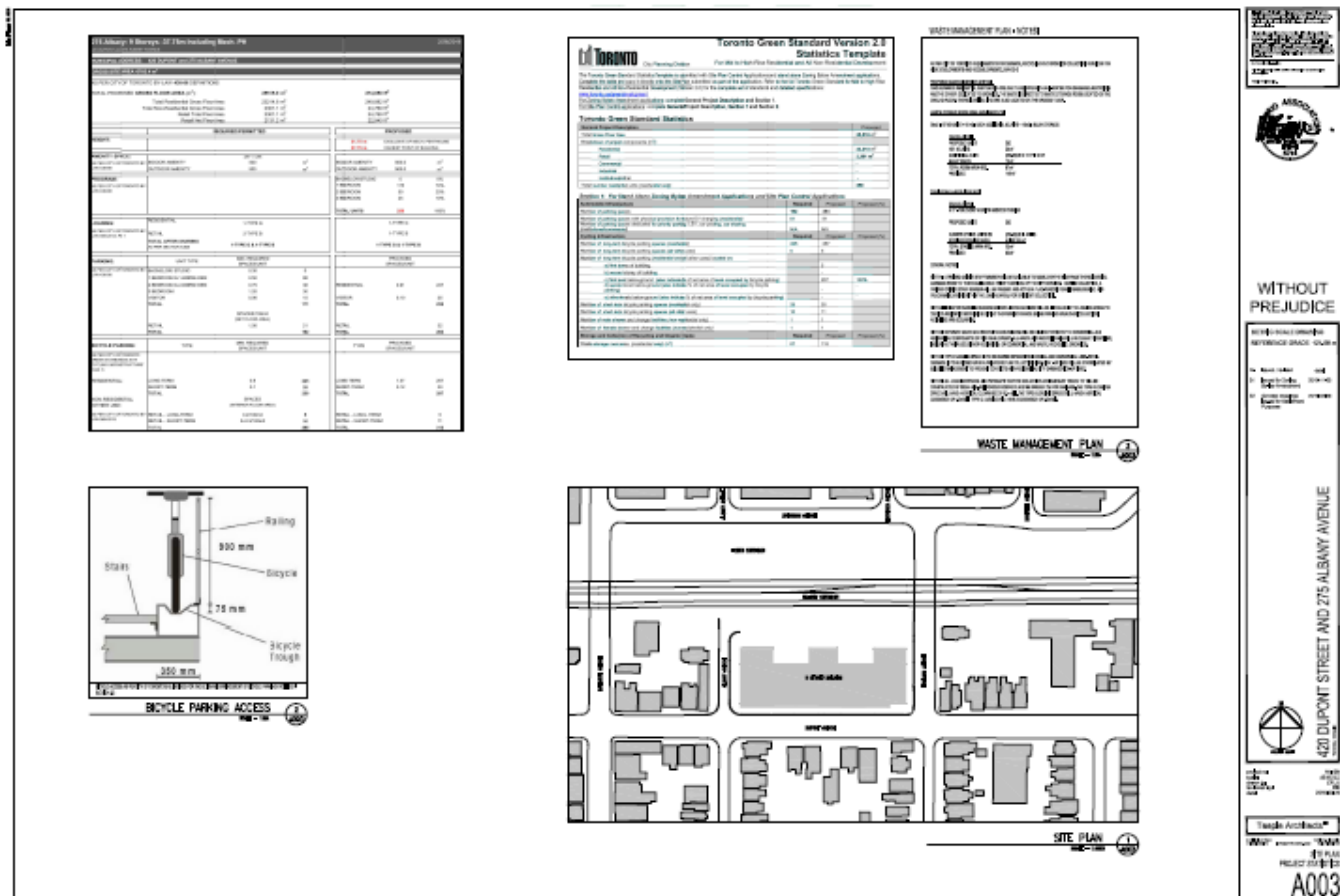
[illegible]

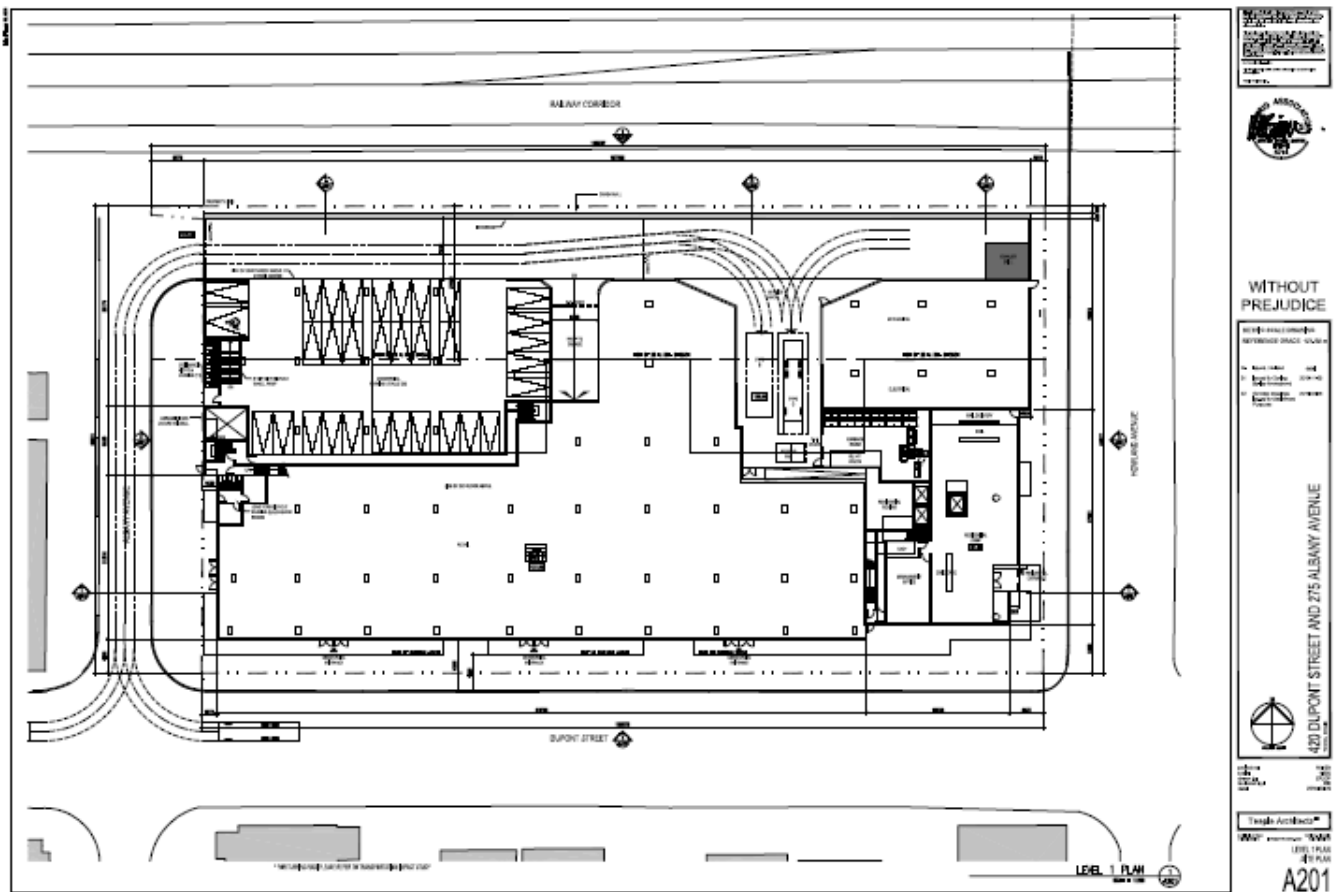
WITHOUT
PREJUDICE

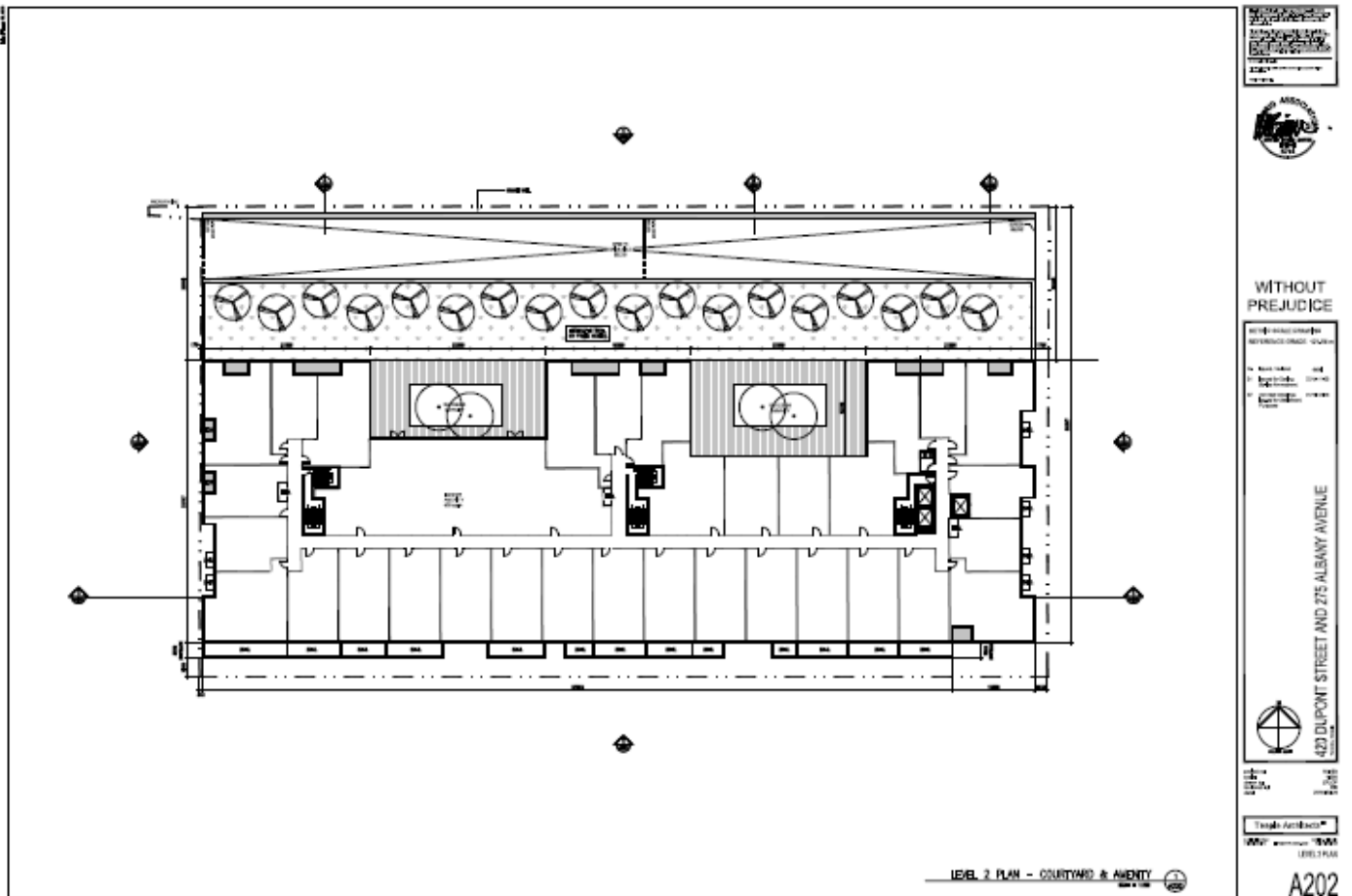
[illegible]420 CLIPMONT STREET AND 275 ALBANY AVENUE
 BOSTON, MASS. 02118-1101
 TEL: 617/552-3300 FAX: 617/552-3301
 WWW: WWW.BOSTONPUBLICMARKETS.COM
 E-MAIL: BOSTONPUBLICMARKETS@BOSTONPUBLICMARKETS.COM

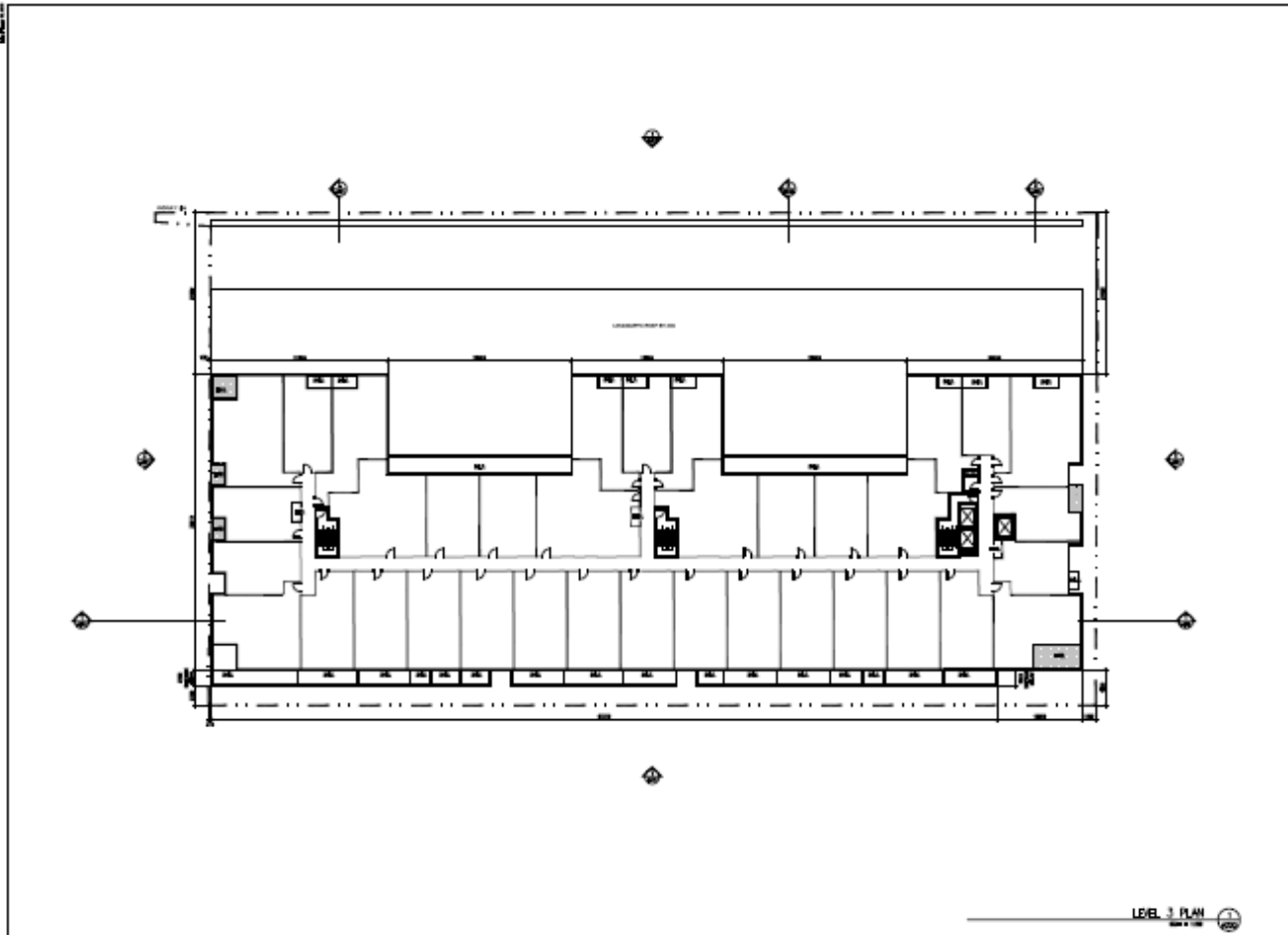
Teagasc An tSeacht

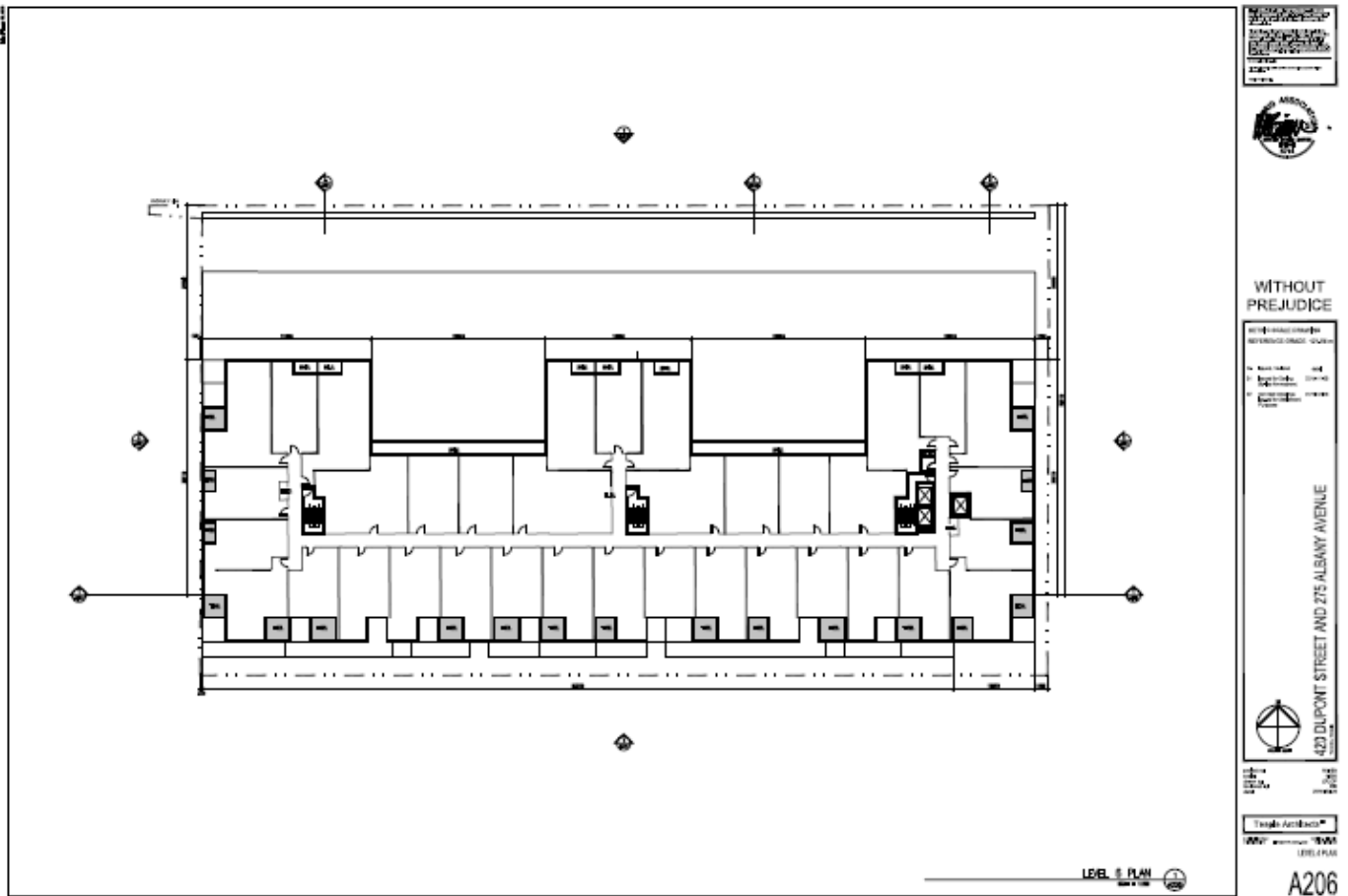
A001

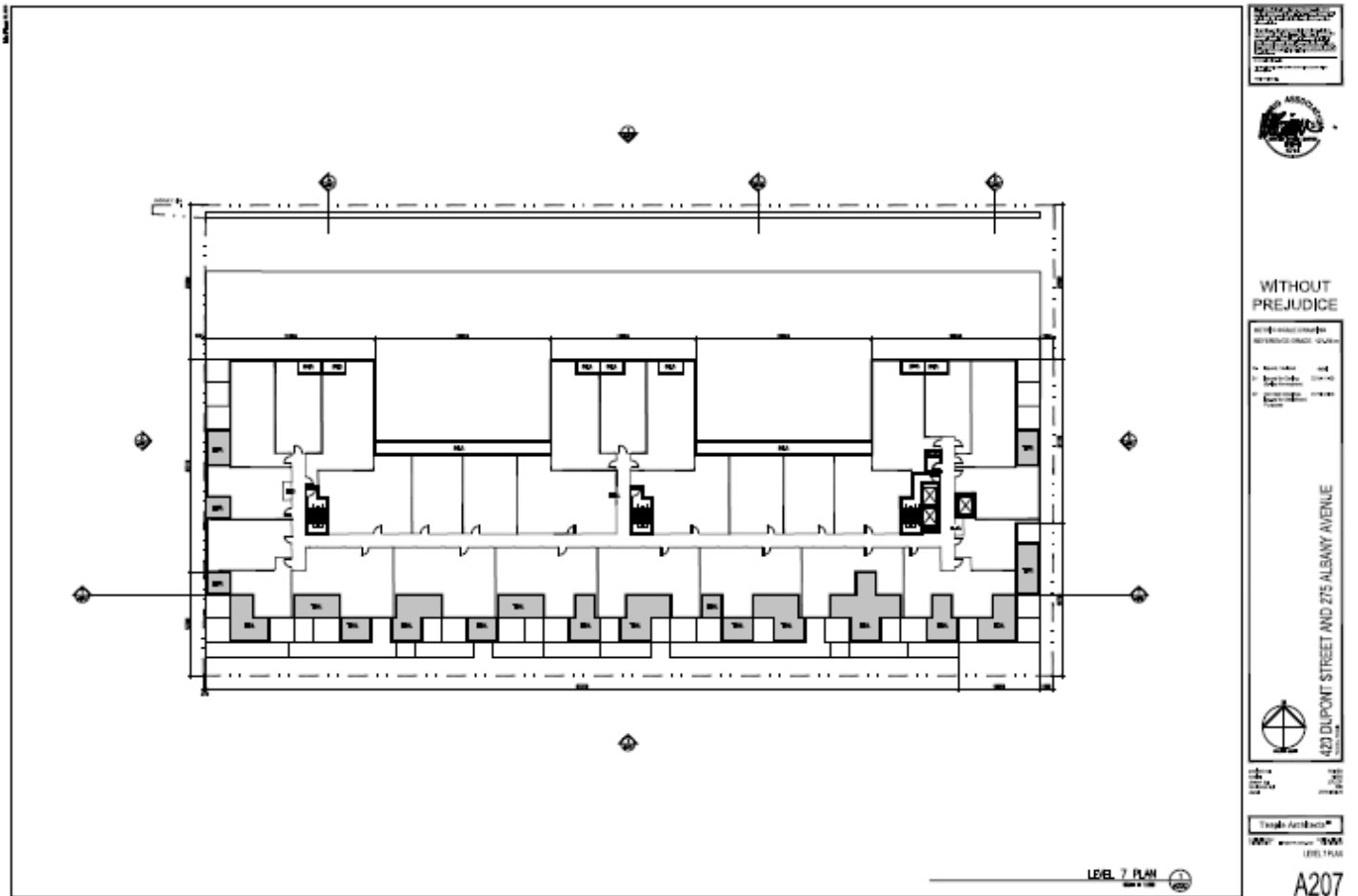


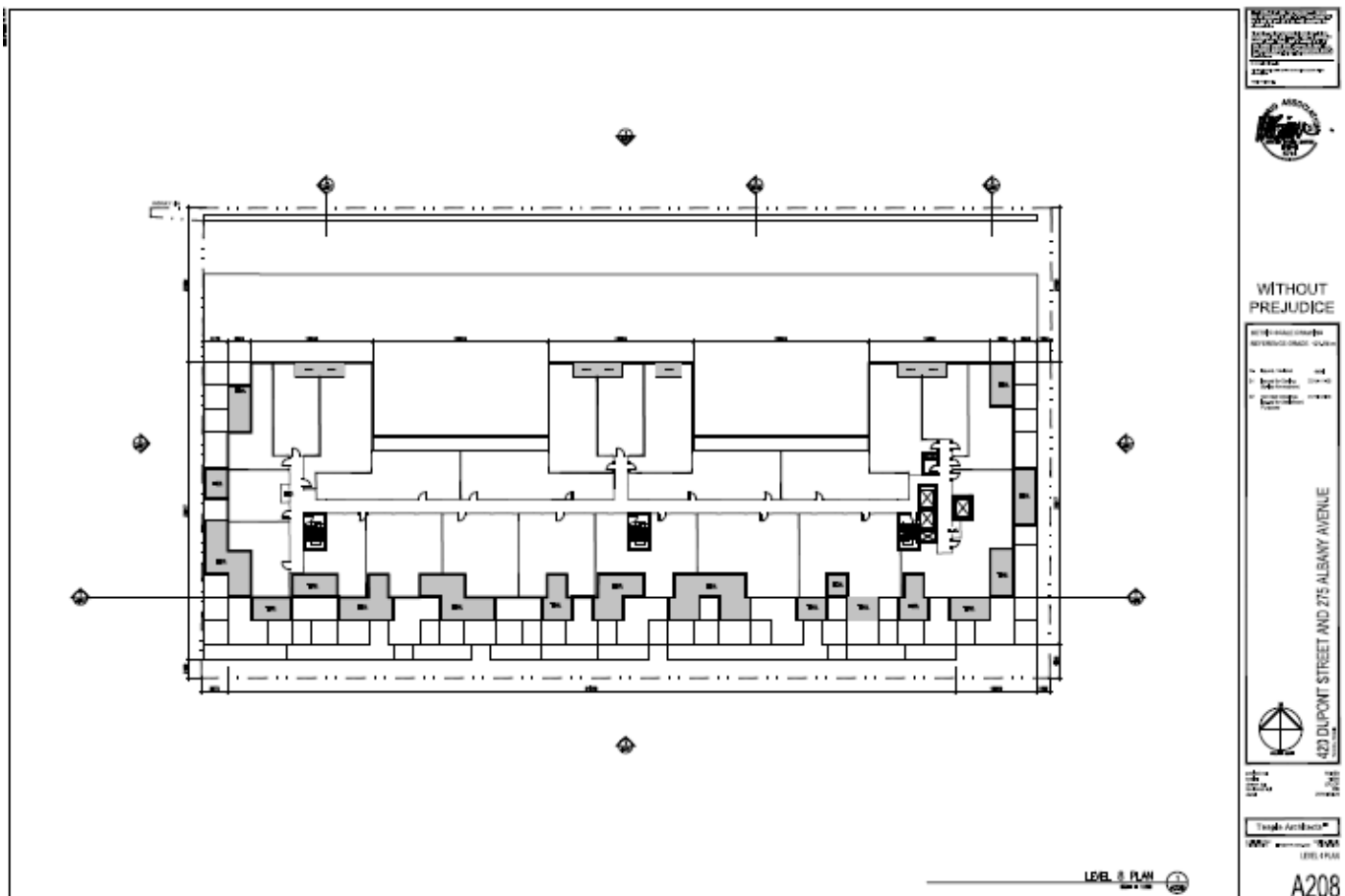


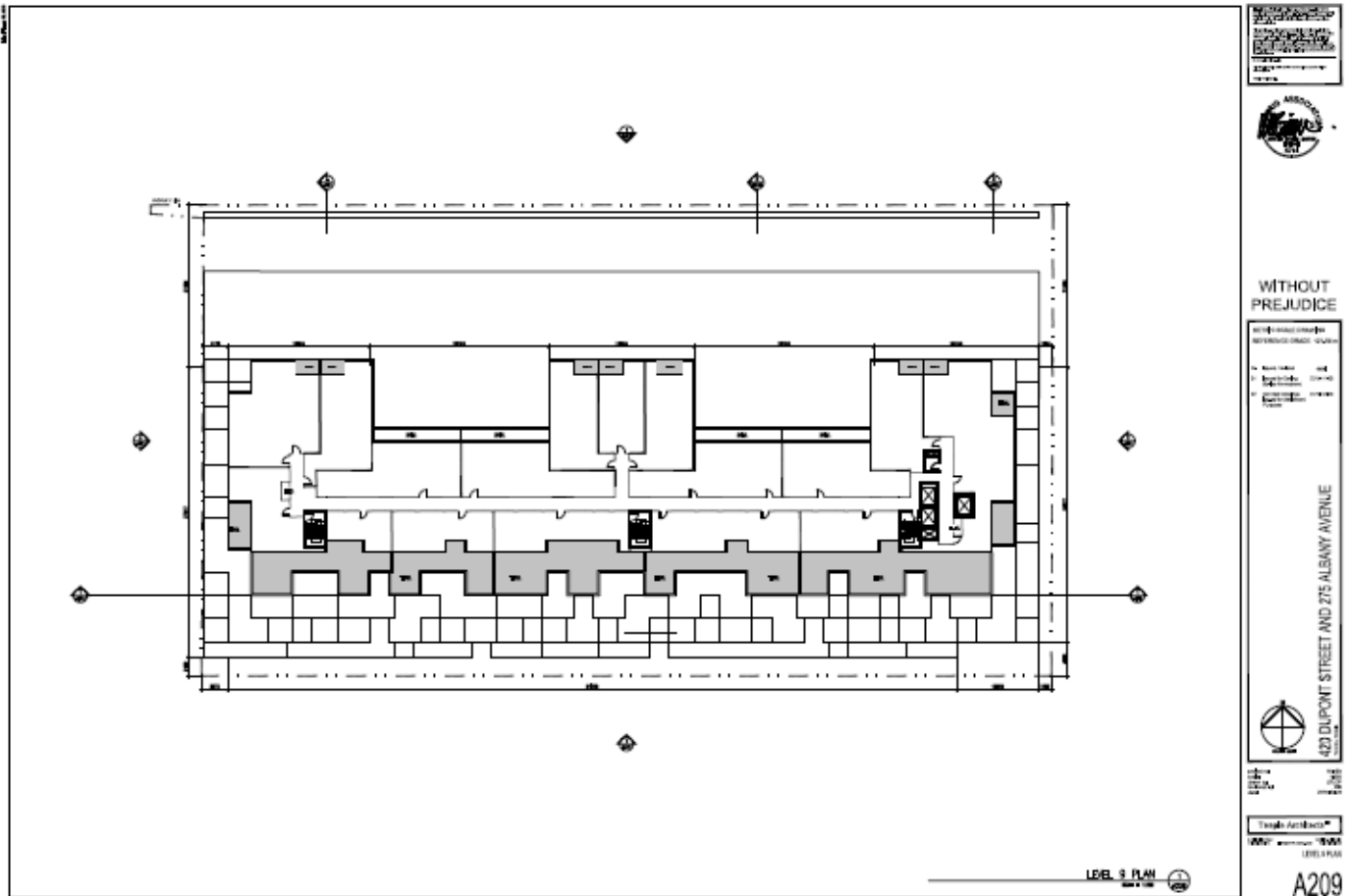


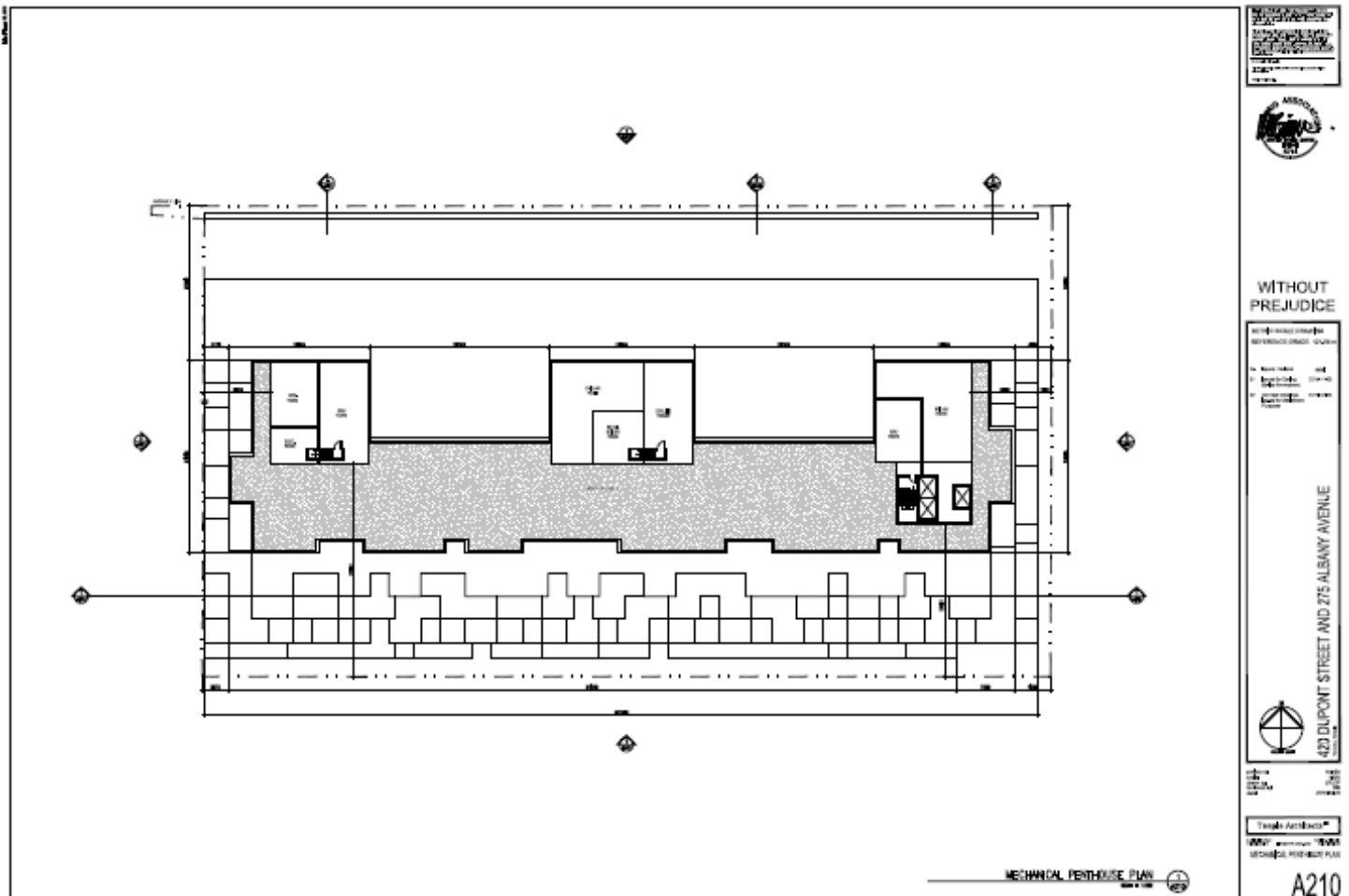


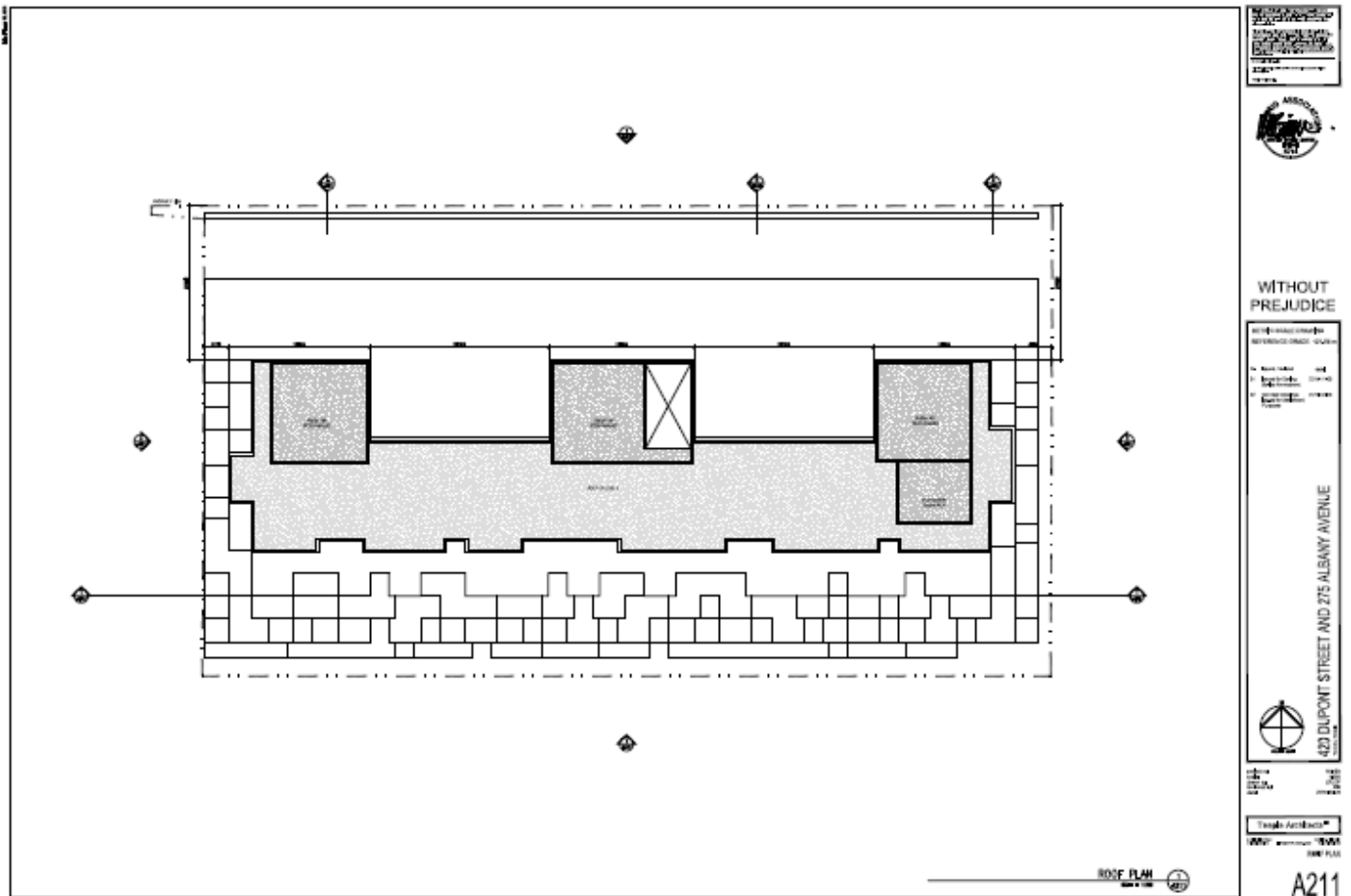




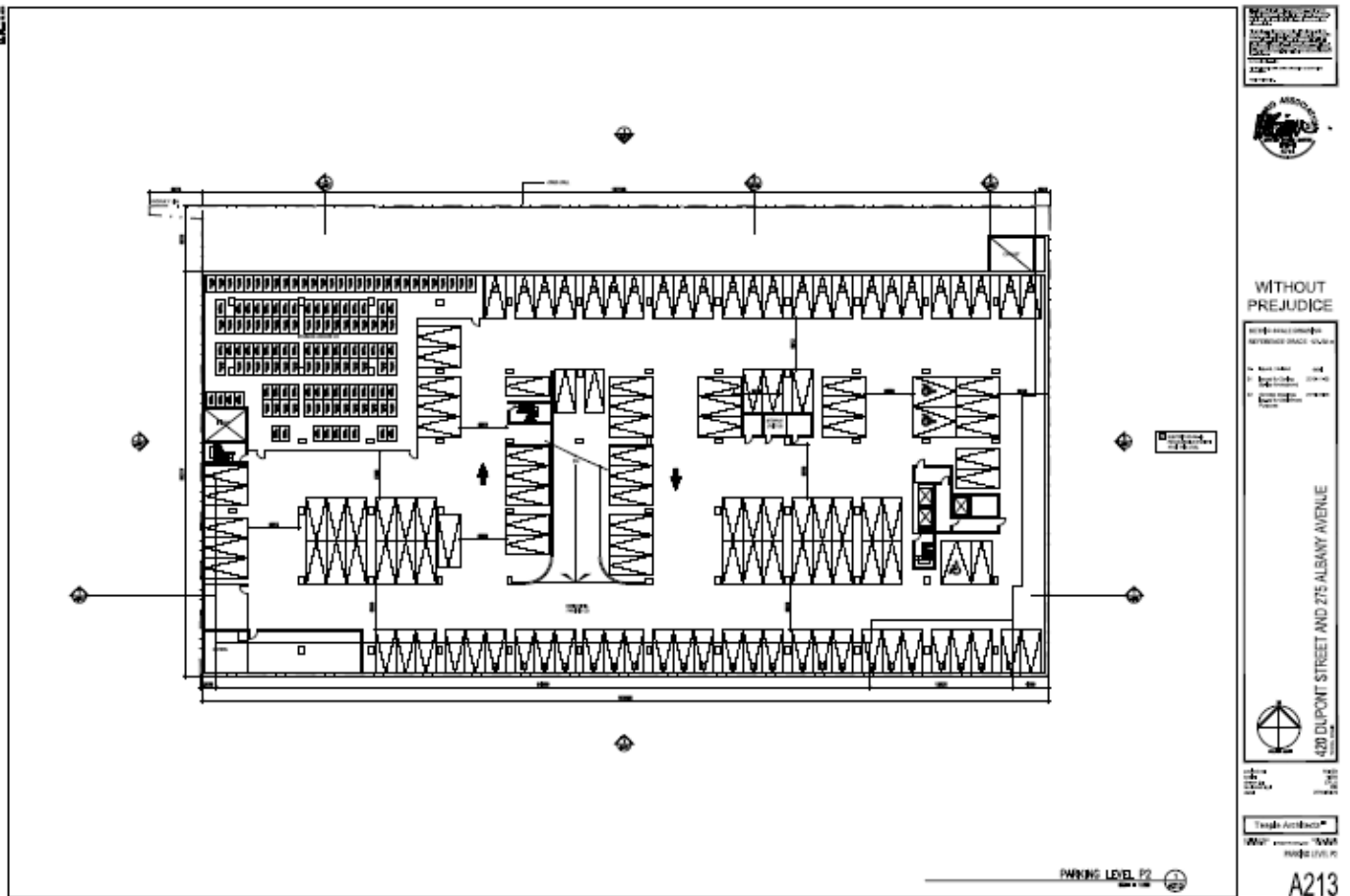


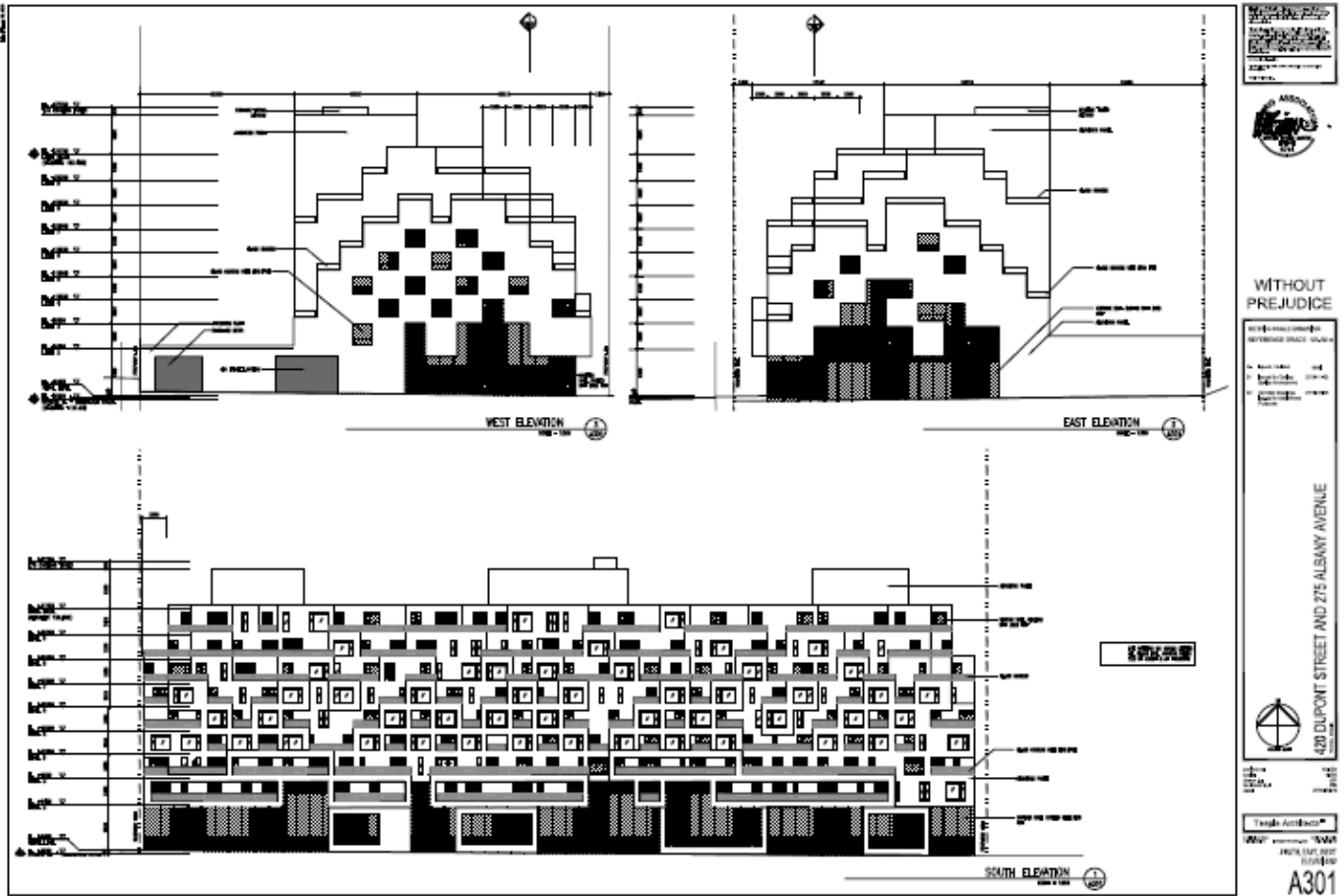


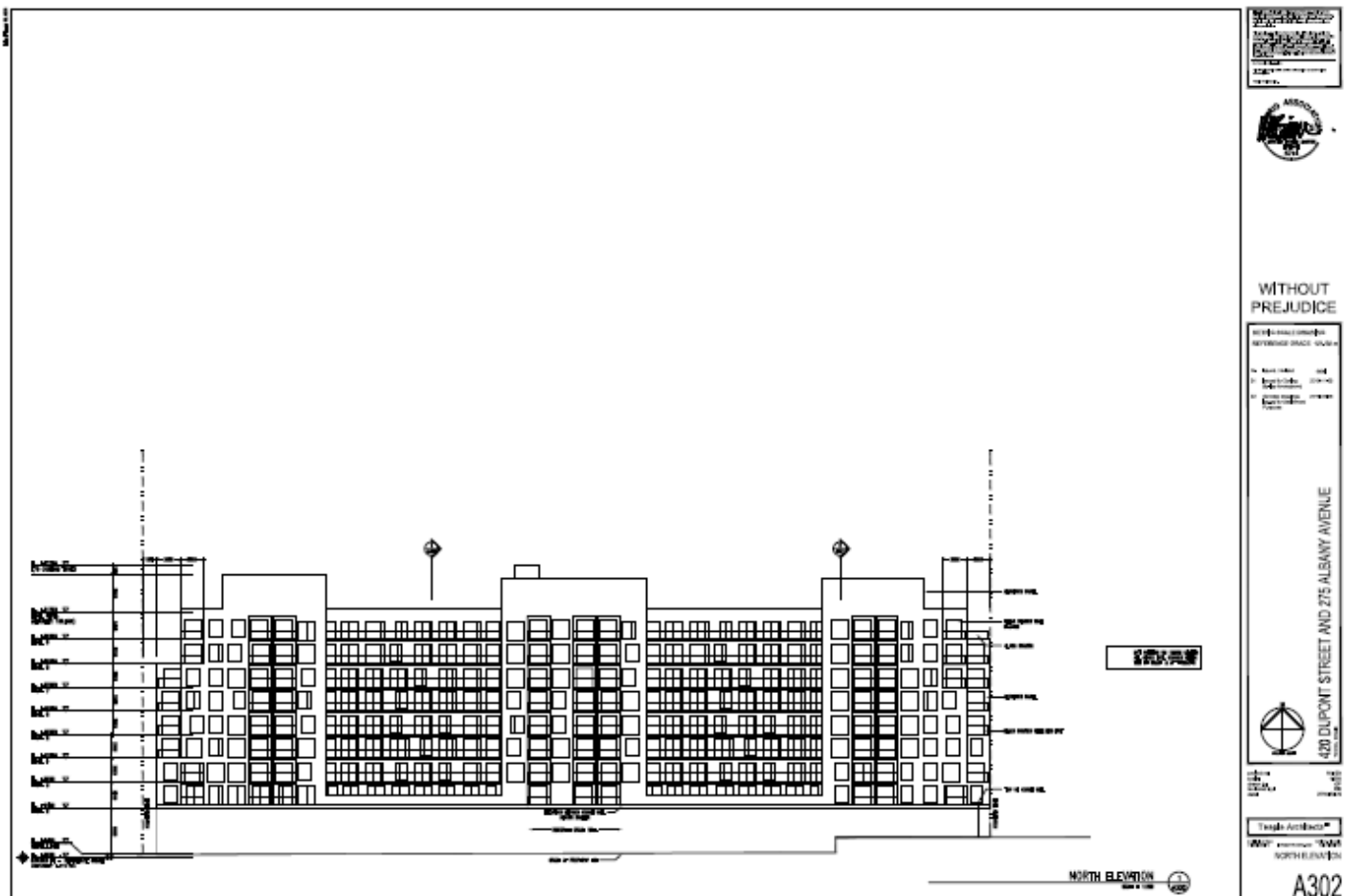




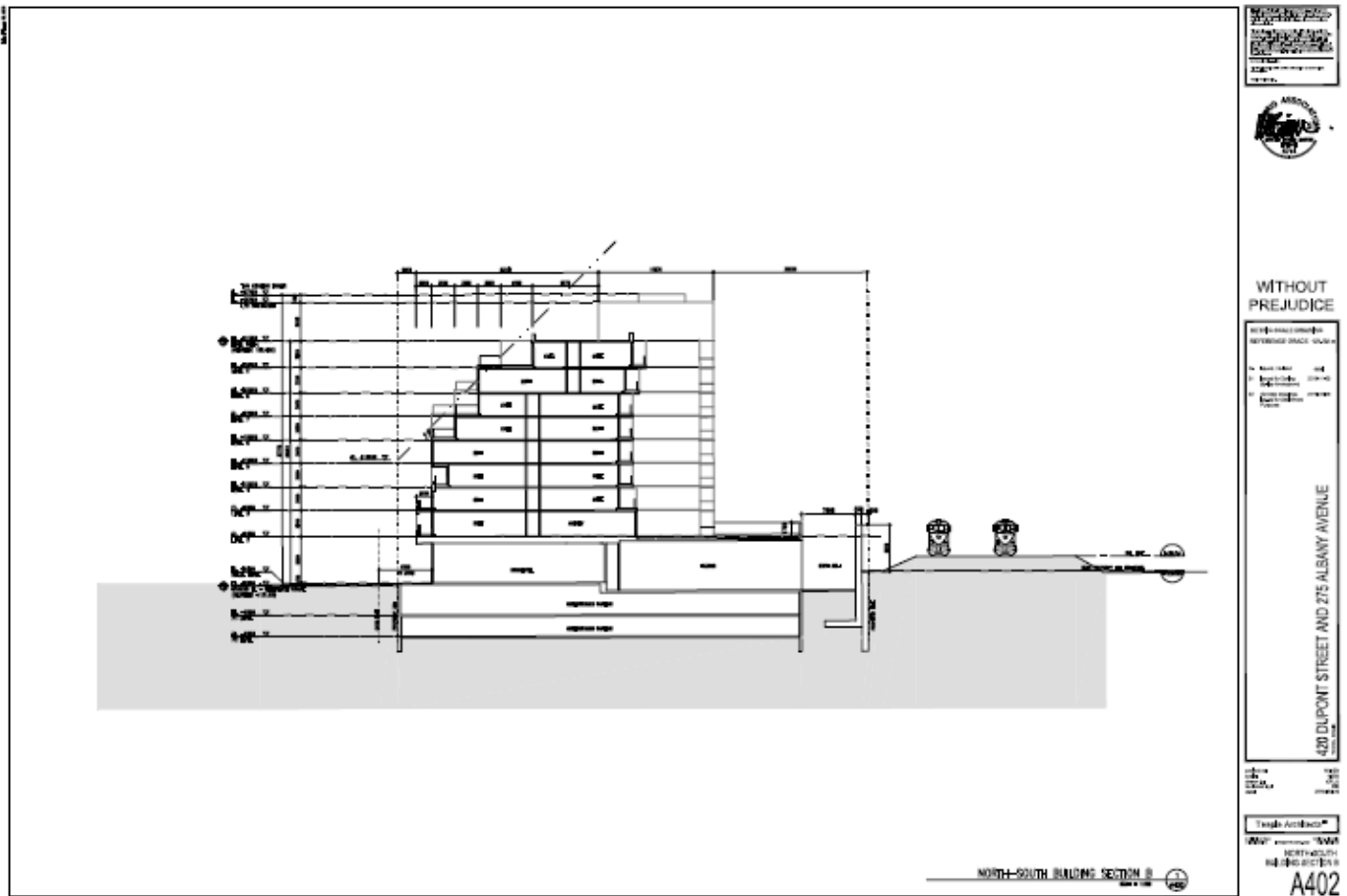


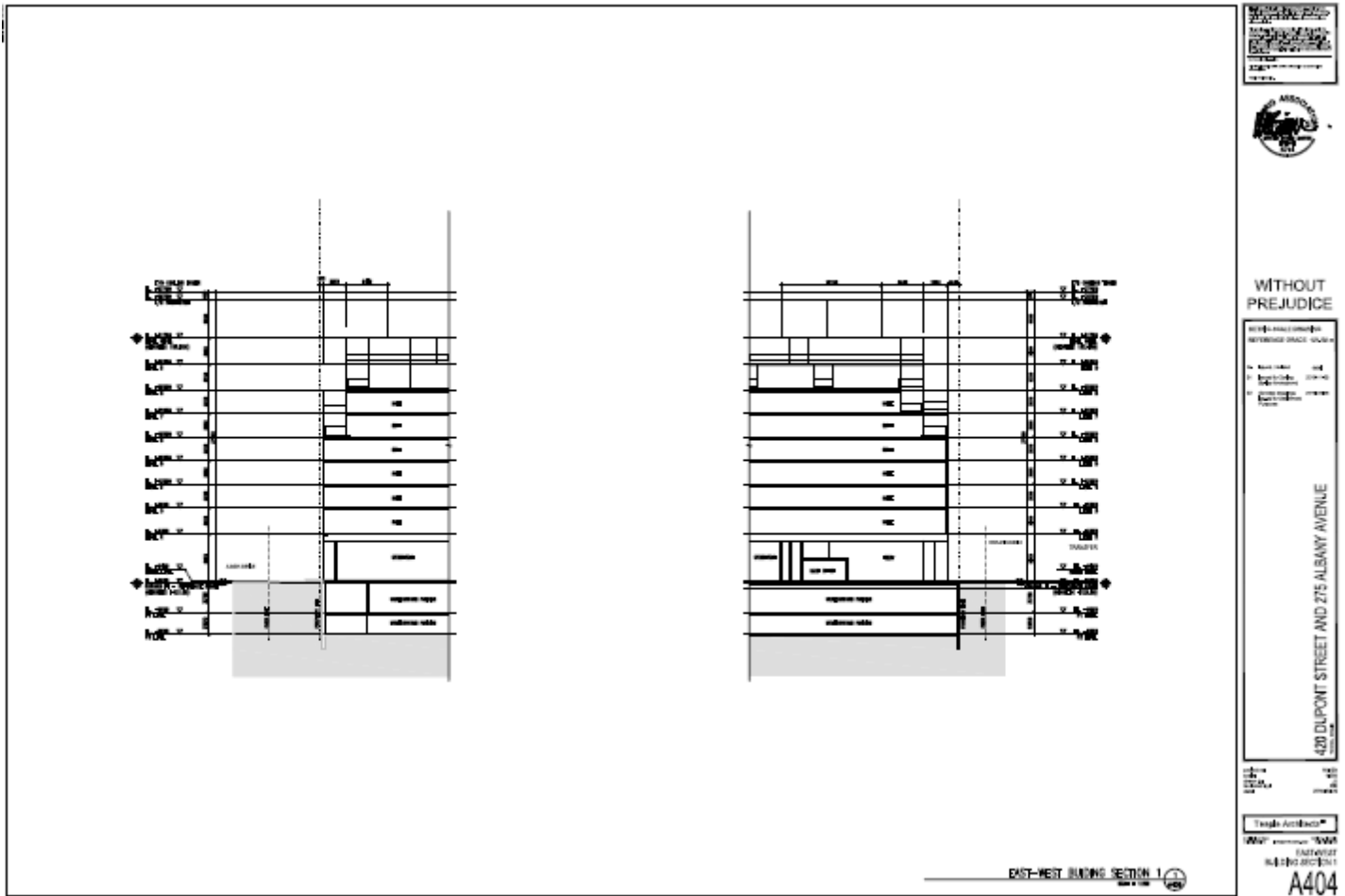












AIRD & BERLIS LLP

Barristers and Solicitors

Sidonia J. Lolocono
Direct: (416) 865-7763
E-mail: slolocono@airdberlis.com

February 26, 2016

Our File No: 113374

BY E-MAIL

Ms. Kelly Matsumoto and Ms. Abbie Moscovich
Legal Services
City of Toronto
26th Floor, Metro Hall
55 John Street
Toronto, ON M5V 3C6

Dear Mesdames:

Re: WITHOUT PREJUDICE SETTLEMENT OFFER
840 and 860 Dupont Street, City of Toronto
OMB Case Nos: PL141134, PL140860, PL150838, and MM160005

As you are aware, we are the solicitors for Sobeys Capital Incorporated ("Sobeys"), the owner of the property municipally known as 840 and 860 Dupont Street, located on the northwest corner of Dupont Street and Shaw Street, in the City of Toronto ("Site").

We believe that the progress made to date, through the guidance offered by the Ontario Municipal Board mediation process led by Vice Chair McKenzie, has either resolved many of the outstanding issues or identified a number of concrete steps that can be taken to resolve them. In an effort to reach a mutually agreeable resolution and avoid the time and expense of a protracted OMB process, we are writing to set out our client's terms of settlement for the herein referenced appeals. Consistent with our client's stated position, this settlement proposal is to settle all of our client's appeals of the various planning instruments related to the Site.

This offer is made on a without prejudice basis and remains open until acceptance by the City during the City Council meeting scheduled for March 10, 2016.

BACKGROUND

In July 2013, our client filed private applications to amend the City of Toronto Official Plan and Zoning By-law 438-86 (City File No. 13 203675 STE 19 OZ) (the "OPA and ZBA") to seek permission to construct a mixed-use development on the Site. The OPA and ZBA were deemed complete on August 22, 2013. On August 27, 2015, our client filed appeals of the OPA and ZBA with the Board pursuant to subsections 22(7) and 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13 (OMB Case No. PL150838).

A Site Plan Control application (City File No. 15 267085 STE 19 SA) associated with the noted above OPA and ZBA was to the City submitted on December 21, 2015 (the "SPA"). The SPA was appealed to the Board pursuant to subsection 114(15) of the *City of Toronto*

Act 2006, S.O. 2006, c. 11, Sched. A, as amended (*OMB Case No. MM160005*). This correspondence will refer to the appeals related to our client's OPA, ZBA and SPA as the "**Sobeys Private Appeals**".

Sobeys also filed appeals following the City's enactment of various City-initiated planning instruments related to the Dupont Street Corridor, namely the Dupont Street specific policies set out in Official Plan Amendment No. 231, Official Plan Amendment No. 271 and Zoning By-law 1011-2014 (collectively referred to as the "**Dupont Corridor Instrument Appeals**"). In its decision issued on June 2, 2015, the Board granted a motion filed by the appellants (including our client) to consolidate the appeals related to Dupont Corridor Instrument Appeals (*OMB Case No. PL141134*). A hearing respecting the Dupont Corridor Instrument Appeals is scheduled to commence on May 2, 2016.

On October 27, 2015 the Board held a second pre-hearing conference for the Dupont Corridor Instrument Appeals and a first pre-hearing conference for the Sobeys Private Appeals. At this proceeding, our client requested that its Private Appeals be consolidated with the Dupont Corridor Instrument Appeals. The Board deferred consideration of our client's request until the pre-hearing conference scheduled for March 3, 2016. On February 22, 2016, our client formally filed a Motion for Consolidation in accordance with the Board's Rules of Procedure to be considered by the Board at the March 3, 2016 proceeding. Since the filing of our client's Motion, the parties to the Dupont Corridor Instrument Appeals have consented to the release of the March 3, 2016 pre-hearing conference in exchange for a replacement date of April 12, 2016.

PROPOSED SETTLEMENT OFFER

Our client proposes that the City and our client agree to jointly support a settlement of our client's appeals related to the Site based upon the following terms:

1. Sobeys will revise its development proposal for the Site consistent with the following:
 - a. provide a 9 storey mixed-use building, reduced from 13 storeys, with an overall height of 37 metres excluding mechanical penthouse and composed of:
 - i. a maximum of 331 residential dwelling units;
 - ii. a seven-storey residential component containing 311 residential dwelling units;
 - iii. a two-storey podium containing approximately 8,750 m² of non-residential gross floor area;
 - iv. 2,020m² of residential gross floor area located within a portion of the second storey podium to facilitate the provision of 20 residential dwelling units with mezzanine space. The mezzanine space shall be provided in accordance with the definitions of such uses as set out in the Ontario Building Code and such mezzanine space shall not constitute a storey;



AIRD & BERLIS LLP

- v. a mix of residential dwelling units with at least 10% of the total residential dwelling units being three bedroom dwelling units and a minimum of 20% of the total residential dwelling units being 2 bedroom dwelling units.
 - b. provide a minimum of a 20 metre horizontal setback to all residential dwelling units from the edge of the railway corridor provided that the provision of rail safety mitigation measures are accepted in accordance with the applicable policies of OPA 271, as amended through this settlement and despite the designation of the lands as *Employment Areas*; and
 - c. provision of the proposed building to be within the 45 degree angular plane, with the exception of architectural elements, railings, cornices, canopies, awnings, skylights, ornamental elements, wind mitigation elements, trellises, lighting fixtures, screens, fences, landscape and public art elements, water features, retaining walls, window washing equipment, eaves, window sills, wheelchair ramps, vents, stairways, and railings, measured from a height of 16 metres above the front lot line adjacent to Dupont Street.
2. Sobeys agrees to convey a 700m² parcel of land (as shown in the enclosed architectural drawings) to the City, free of any encumbrances, for a future neighbourhood park at no cost to the City and in satisfaction of the City's parkland contribution requirements set out in Article III, Chapter 415 of the Municipal Code in connection with this development.
3. The City agrees that any parkland contribution owing to the City (in addition to the conveyance of the 700m² parcel of land set out in paragraph 1e) shall be satisfied through a contribution of cash-in-lieu of parkland to be provided to the City prior to the issuance of the first above-grade building permit for the development of the Site.
4. Sobeys agrees to provide and design a privately owned area of approximately 89m² adjacent to the proposed future City park which may contain patio spaces and/or seating associated with the adjoining retail uses. The proposed privately owned area shall be accessible to the public, however this area shall not be subject to easements with the City.
5. The City agrees that the residential and non-residential mezzanine uses proposed as part of the proposed development shall not constitute a storey and that the definition of storey in any implementing instruments shall define "storeys" as being only those levels above-grade and shall not include a mezzanine.
6. The owner of the Site shall work with City Staff as well as the Area Councillor's office with a view to entering into a Section 37 Agreement acceptable to both parties having an estimated total value of \$895,000 provided that:



AIRD & BERLIS LLP

- a. a maximum of 10% (\$89,500) of the cash contribution to the City shall be allocated to capital improvements for Toronto Community Housing Corporation Buildings in the vicinity of the Site;
 - b. a minimum of 70% (\$626,500) of the cash contribution to the City shall be allocated to streetscape improvements and public realm improvements adjacent to the Site; and
 - c. a maximum of 20% (\$179,000) of the cash contribution to the City shall be allocated to park improvements in the vicinity of the Site, including towards the proposed future park to be located on the Site.
7. The City will agree to work with our client to finalize an acceptable form of OPA 231 and OPA 271 prior to the May, 2016 hearing which shall include in particular:
- a. policies which permit an increase in the maximum number of storeys for buildings within the *Mixed Use Area* designation to 9 storeys from 8 storeys;
 - b. policies which permit the implementation of alternative rail safety mitigation measures to be assessed as part of a zoning by-law amendment application and to be subject to a peer review by a rail safety expert to be retained by the City such that residential dwelling units can be located a minimum of 20 metres setback from the railway corridor;
 - c. policies which provide that the designation line between the *Mixed Use Areas* and the *Employment Areas* designations is conceptual only and where alternative rail mitigation measures comply with the policies set out in OPA 271 (as revised through this settlement) residential dwelling units shall be permitted on the Site on lands located a minimum of 20 metres from the railway corridor and such areas shall be deemed to be designated *Mixed Use Areas*;
 - d. the inclusion of policies to permit the following uses within the 30 metre railway right-of-way setback:
 - i. retail, service commercial and personal service uses;
 - ii. office uses accessory to the retail uses;
 - iii. rail safety and vibration/noise mitigation measure;
 - iv. residential, residential visitor, non-residential, and non-residential visitor parking;
 - v. car –share parking;
 - vi. residential-occupant, non-residential-occupant and visitor bicycle parking spaces;
 - vii. loading areas and loading spaces;
 - viii. non-residential and residential storage areas and lockers;
 - ix. non-residential and residential garbage areas;
 - x. storage warehousing;
 - xi. non-residential and residential driveways and ramps to underground parking;



AIRD & BERLIS LLP

- xii. mechanical elements;
- xiii. open space (including green roofs); and
- xiv. parkland.

In the event of any dispute regarding the final form of OPA 271, any party may ask the Board to settle such matters through the Board-led mediation process in advance of the May, 2016 proceeding or as part of the hearing in May, 2016.

8. The City will agree work with our client to finalize an acceptable form of a site specific zoning by-law amendment for the Site to facilitate the enclosed settlement proposal prior to the May 2016 hearing and in the event of any dispute regarding the final form of same, any party may ask the Board to settle such matters through the Board-led mediation process in advance of the May, 2016 proceeding or as part of the hearing in May, 2016.
9. The City acknowledges that the architectural plans dated February 25, 2016 (enclosed) are conceptual only and shared in furtherance of the enclosed settlement offer. Accordingly, minor revisions are anticipated and will be reflected in the final ZBA and SPA resubmission to be formally submitted to the City upon City Council's acceptance of the herein settlement terms.
10. The City will support our client's Motion for Consolidation of its Private Appeals with the Dupont Corridor Instrument Appeals.
11. The City will not seek to adjourn the hearing of our client's appeals outside of the hearing dates scheduled (from May 2, 2016 – May 20, 2016).
12. The City and Sobeys shall ask the Ontario Municipal Board to withhold its final Order respecting the Sobeys Private Appeals until advised by the City Solicitor that a satisfactory Section 37 Agreement has been entered into securing the requirements noted in paragraph 6, above.
13. Each party will bear its own costs of these proceedings.
14. The City agrees that the components of our client's settlement proposal provided herein represent the basis of a final settlement for all of our client's appeals related to the Site.
15. This letter is delivered on a without prejudice and confidential basis but may be made public following the conclusion of the Council meeting commencing on March 10, 2016 if the offer contained herein is accepted at that meeting.

In support of our client's settlement proposal, we enclose our client's revised architectural plans dated February 25, 2016 which reflect the above described settlement proposal. Should this offer be accepted by City Council at its meeting on March 10, 2016, and Council resolves to support the within settlement proposal at the Board, our client would proceed to revise and formally resubmit the ZBA and SPA in substantial accordance with the attached drawings and statistics in order to implement the settlement proposal. We will also prepare the necessary instruments to facilitate the development of the settlement proposal which shall be filed with the Board at the May 2016 proceeding.



AIRD & BERLIS LLP

February 26, 2016
Page 6

Finally, we want to thank you and all staff involved for your efforts in working towards a mediated settlement.

We trust the enclosed is satisfactory. Should you require further information, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Sidonia J. Loiacono

SJL

cc. Clients
Bousfields Inc.

Encl.
25229359.3



AIRD & BERLIS LLP

AIRD & BERLIS LLP
Barristers and Solicitors

Sidonia J. Loiacono
Direct: (416) 863-7783
E-mail: sloiacono@airdberlis.com

February 29, 2016

Our File No: 113374

BY E-MAIL

Ms. Kelly Matsumoto and Ms. Abbie Moscovich
Legal Services
City of Toronto
26th Floor, Metro Hall
55 John Street
Toronto, ON M5V 3C6

Dear Mesdames:

Re: WITHOUT PREJUDICE SETTLEMENT OFFER
840 and 860 Dupont Street, City of Toronto
OMB Case Nos: PL141134, PL140860, PL150838, and MM160005

As you are aware, we are the solicitors for Sobeys Capital Incorporated ("Sobeys"), the owner of the property municipally known as 840 and 860 Dupont Street, in the City of Toronto ("Site").

We are writing further to our letter of February 26, 2016 wherein we enclosed the terms of our client's without prejudice settlement offer respecting its appeals related to the Site.

We are writing to confirm that our client has agreed to amend paragraph 11 of its settlement offer, so that it provides as follows:

The City will not seek to adjourn the hearing of our client's appeals outside of the hearing dates scheduled (from May 2, 2016 – May 20, 2016), unless such an adjournment is required as a result of a City labour disruption, strike or lock-out which would affect staff's full participation in the hearing.

We trust the enclosed is satisfactory. Should you require further information, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Sidonia J. Loiacono
SJL
cc. Clients
Bousfields Inc.
25258969.1

Brookfield Place, 181 Bay Street, Suite 1800, Box 754 - Toronto, ON - M5J 2T9 - Canada
T 416.863.1500 F 416.863.1515
www.airdberlis.com

WITHOUT
PREJUDICE
AND
CONFIDENTIAL

WITHOUT
PREJUDICE
AND
CONFIDENTIAL

TWO WINGS
WITH PARK
ON DUPONT

NO.	DESCRIPTION
-----	-------------

1	EXISTING 1 STORY BUILDING
2	EXISTING 4 STORY BUILDING
3	NEW 1 STORY BUILDING
4	NEW 4 STORY BUILDING
5	NEW 1 STORY BUILDING
6	NEW 4 STORY BUILDING
7	NEW 1 STORY BUILDING
8	NEW 4 STORY BUILDING
9	NEW 1 STORY BUILDING
10	NEW 4 STORY BUILDING
11	NEW 1 STORY BUILDING
12	NEW 4 STORY BUILDING
13	NEW 1 STORY BUILDING
14	NEW 4 STORY BUILDING
15	NEW 1 STORY BUILDING
16	NEW 4 STORY BUILDING
17	NEW 1 STORY BUILDING
18	NEW 4 STORY BUILDING
19	NEW 1 STORY BUILDING
20	NEW 4 STORY BUILDING
21	NEW 1 STORY BUILDING
22	NEW 4 STORY BUILDING
23	NEW 1 STORY BUILDING
24	NEW 4 STORY BUILDING
25	NEW 1 STORY BUILDING
26	NEW 4 STORY BUILDING
27	NEW 1 STORY BUILDING
28	NEW 4 STORY BUILDING
29	NEW 1 STORY BUILDING
30	NEW 4 STORY BUILDING
31	NEW 1 STORY BUILDING
32	NEW 4 STORY BUILDING
33	NEW 1 STORY BUILDING
34	NEW 4 STORY BUILDING
35	NEW 1 STORY BUILDING
36	NEW 4 STORY BUILDING
37	NEW 1 STORY BUILDING
38	NEW 4 STORY BUILDING
39	NEW 1 STORY BUILDING
40	NEW 4 STORY BUILDING
41	NEW 1 STORY BUILDING
42	NEW 4 STORY BUILDING
43	NEW 1 STORY BUILDING
44	NEW 4 STORY BUILDING
45	NEW 1 STORY BUILDING
46	NEW 4 STORY BUILDING
47	NEW 1 STORY BUILDING
48	NEW 4 STORY BUILDING
49	NEW 1 STORY BUILDING
50	NEW 4 STORY BUILDING
51	NEW 1 STORY BUILDING
52	NEW 4 STORY BUILDING
53	NEW 1 STORY BUILDING
54	NEW 4 STORY BUILDING
55	NEW 1 STORY BUILDING
56	NEW 4 STORY BUILDING
57	NEW 1 STORY BUILDING
58	NEW 4 STORY BUILDING
59	NEW 1 STORY BUILDING
60	NEW 4 STORY BUILDING
61	NEW 1 STORY BUILDING
62	NEW 4 STORY BUILDING
63	NEW 1 STORY BUILDING
64	NEW 4 STORY BUILDING
65	NEW 1 STORY BUILDING
66	NEW 4 STORY BUILDING
67	NEW 1 STORY BUILDING
68	NEW 4 STORY BUILDING
69	NEW 1 STORY BUILDING
70	NEW 4 STORY BUILDING
71	NEW 1 STORY BUILDING
72	NEW 4 STORY BUILDING
73	NEW 1 STORY BUILDING
74	NEW 4 STORY BUILDING
75	NEW 1 STORY BUILDING
76	NEW 4 STORY BUILDING
77	NEW 1 STORY BUILDING
78	NEW 4 STORY BUILDING
79	NEW 1 STORY BUILDING
80	NEW 4 STORY BUILDING
81	NEW 1 STORY BUILDING
82	NEW 4 STORY BUILDING
83	NEW 1 STORY BUILDING
84	NEW 4 STORY BUILDING
85	NEW 1 STORY BUILDING
86	NEW 4 STORY BUILDING
87	NEW 1 STORY BUILDING
88	NEW 4 STORY BUILDING
89	NEW 1 STORY BUILDING
90	NEW 4 STORY BUILDING
91	NEW 1 STORY BUILDING
92	NEW 4 STORY BUILDING
93	NEW 1 STORY BUILDING
94	NEW 4 STORY BUILDING
95	NEW 1 STORY BUILDING
96	NEW 4 STORY BUILDING
97	NEW 1 STORY BUILDING
98	NEW 4 STORY BUILDING
99	NEW 1 STORY BUILDING
100	NEW 4 STORY BUILDING

TURBINE POWER
TURBINE POWER CORPORATION
1000 10TH AVENUE S.W.
VANCOUVER, B.C. V6H 3G9
TEL: 604-681-1111
WWW.TURBINEPOWER.COM

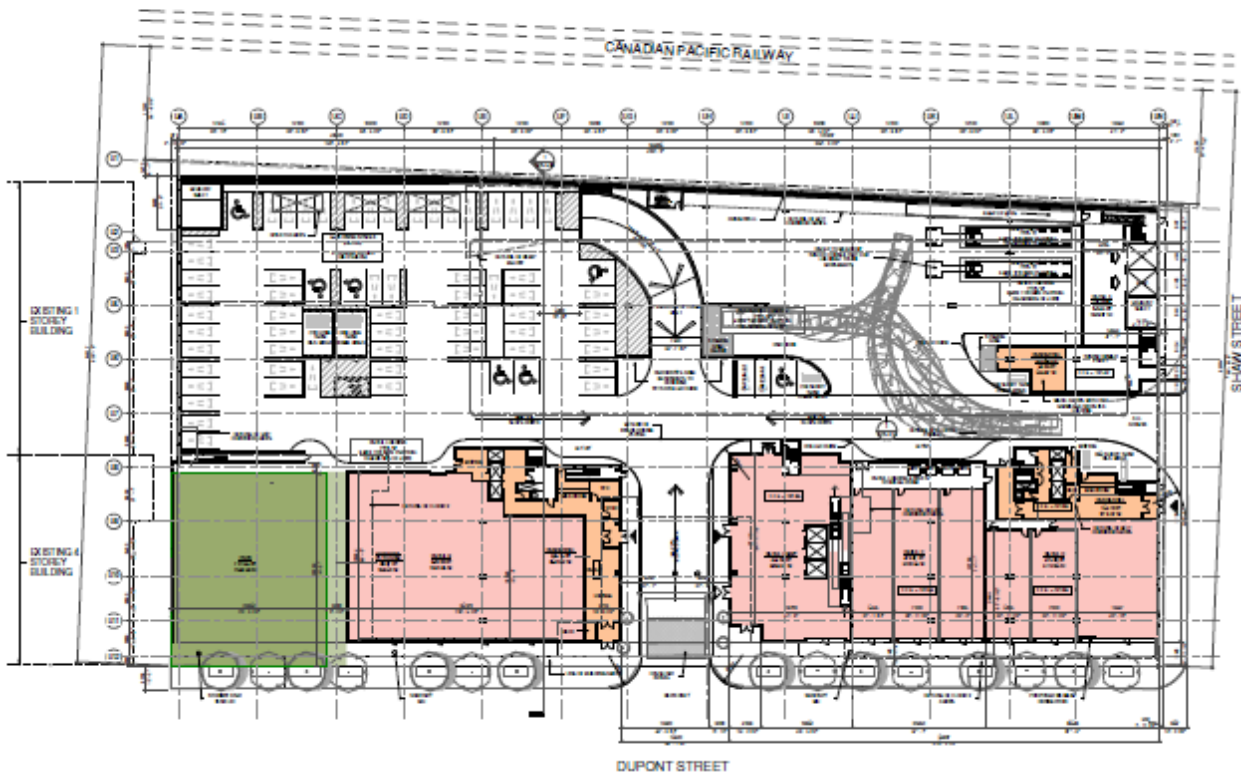
Sobeys Developments
Limited Partnership

DUPONT STREET &
SHAW STREET
(1000 10TH AVENUE S.W.)

FLOOR 1

Scale: 1" = 10'-0"

SPA-2.03



THIS DOCUMENT IS THE PROPERTY OF THE CORPORATION OF THE CITY OF VANCOUVER. IT IS TO BE USED FOR THE PURPOSES SPECIFIED IN THE REQUEST FOR PROPOSALS. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE CORPORATION OF THE CITY OF VANCOUVER.

WITHOUT
PREJUDICE
AND
CONFIDENTIAL

TWO WINGS
WITH PARK
ON DUPONT

NO.	DESCRIPTION
1	EXISTING
2	NEW
3	DEMOLITION
4	RENOVATION
5	REPAIR
6	REPLACE
7	RECONSTRUCT
8	REBUILD
9	RENEW
10	REPAIR & RECONSTRUCT
11	REPAIR & REBUILD
12	REPAIR & RENEW
13	REPAIR & RECONSTRUCT & REBUILD
14	REPAIR & RECONSTRUCT & RENEW
15	REPAIR & RECONSTRUCT & REBUILD & RENEW

TURNER FUSCHER
ARCHITECTS
1000 WEST 10TH AVENUE
VANCOUVER, BC V6H 1A1
TEL: 604-681-1111
WWW.TURNERFUSCHER.COM

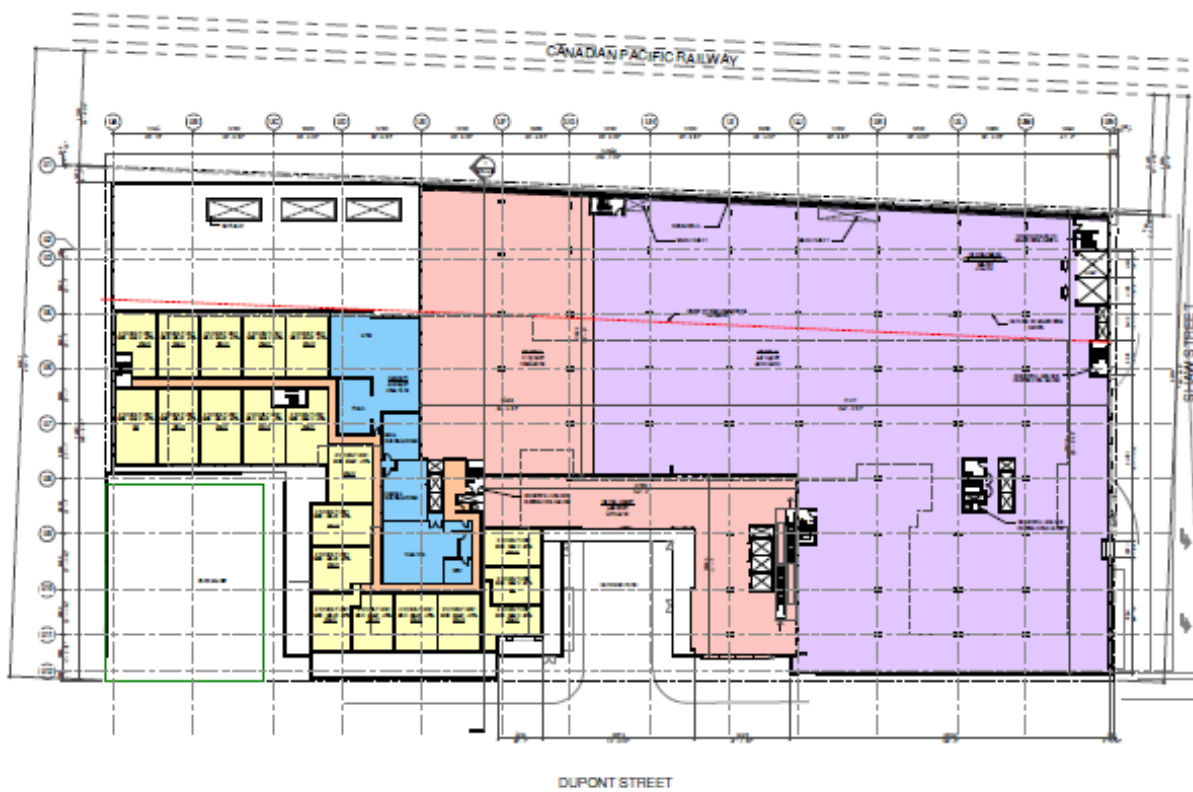
Sobeys Developments
Limited Partnership

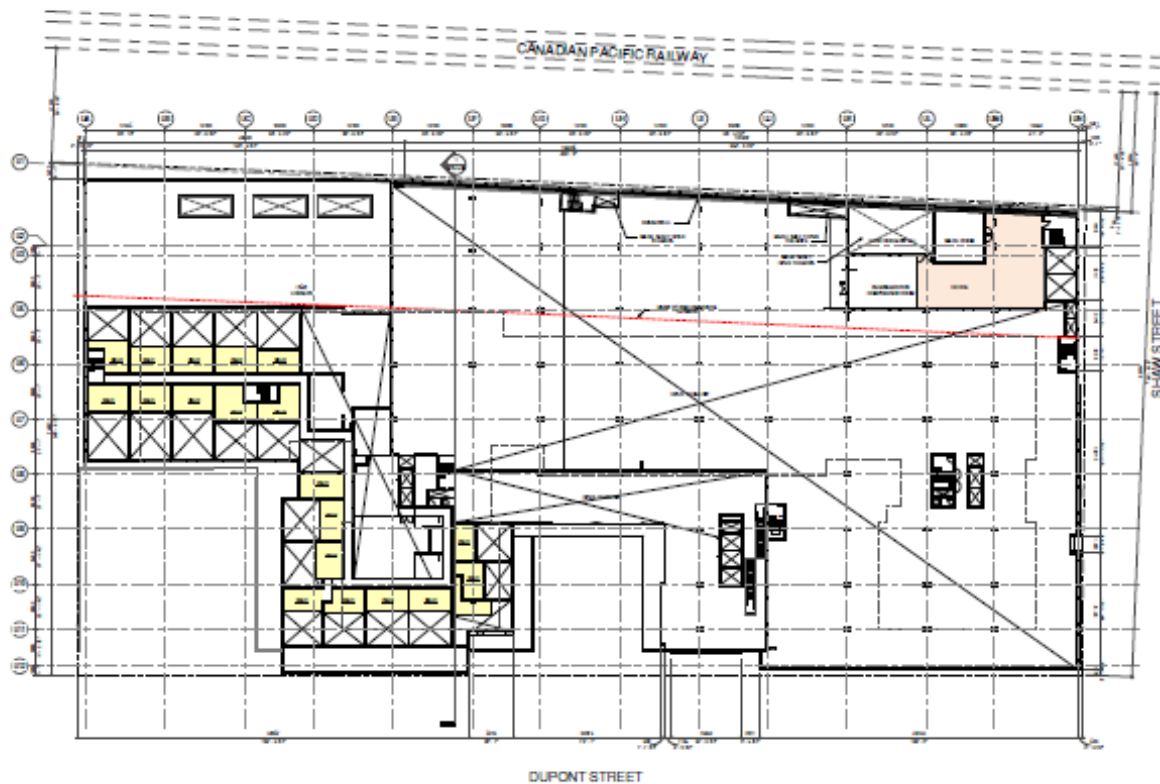
DUPONT STREET &
SHAW STREET

FLOOR 2

DATE: 10/10/2014
DRAWN BY: J. LEE
CHECKED BY: J. LEE
APPROVED BY: J. LEE

SPA-2.05





WITHOUT
PREJUDICE
AND
CONFIDENTIAL

WITHOUT
PREJUDICE
AND
CONFIDENTIAL

TWO WINGS
WITH PARK
ON DUPONT

DESIGNED BY
ARCHITECTS
INTERIOR DESIGNER
STRUCTURAL
MECHANICAL
ELECTRICAL
PLUMBING
HAZARDOUS WASTE
ASBESTOS
REMEDIATION

TOWN OF PULASKI
PLANNING DEPARTMENT
1000 PULASKI AVENUE
PULASKI, MISSISSIPPI 39369

Sobay's Developments
Limited Partnership

DUPONT STREET &
SHAW STREET
PULASKI, MISSISSIPPI

FLOOR 2 MEZZANINE

DATE: 10/1/06
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]

SPA-2.06

THIS DOCUMENT IS THE PROPERTY OF TURNER PULSCHER & ASSOCIATES INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF TURNER PULSCHER & ASSOCIATES INC.

WITHOUT
PREJUDICE
AND
CONFIDENTIAL

TWO WINGS
WITH PARK
ON DUPONT

NO.	DESCRIPTION
1	EXISTING/PROPOSED
2	EXISTING/PROPOSED
3	EXISTING/PROPOSED
4	EXISTING/PROPOSED
5	EXISTING/PROPOSED
6	EXISTING/PROPOSED
7	EXISTING/PROPOSED
8	EXISTING/PROPOSED
9	EXISTING/PROPOSED
10	EXISTING/PROPOSED
11	EXISTING/PROPOSED
12	EXISTING/PROPOSED
13	EXISTING/PROPOSED
14	EXISTING/PROPOSED
15	EXISTING/PROPOSED
16	EXISTING/PROPOSED
17	EXISTING/PROPOSED
18	EXISTING/PROPOSED
19	EXISTING/PROPOSED
20	EXISTING/PROPOSED
21	EXISTING/PROPOSED
22	EXISTING/PROPOSED
23	EXISTING/PROPOSED
24	EXISTING/PROPOSED
25	EXISTING/PROPOSED
26	EXISTING/PROPOSED
27	EXISTING/PROPOSED
28	EXISTING/PROPOSED
29	EXISTING/PROPOSED
30	EXISTING/PROPOSED
31	EXISTING/PROPOSED
32	EXISTING/PROPOSED
33	EXISTING/PROPOSED
34	EXISTING/PROPOSED
35	EXISTING/PROPOSED
36	EXISTING/PROPOSED
37	EXISTING/PROPOSED
38	EXISTING/PROPOSED
39	EXISTING/PROPOSED
40	EXISTING/PROPOSED
41	EXISTING/PROPOSED
42	EXISTING/PROPOSED
43	EXISTING/PROPOSED
44	EXISTING/PROPOSED
45	EXISTING/PROPOSED
46	EXISTING/PROPOSED
47	EXISTING/PROPOSED
48	EXISTING/PROPOSED
49	EXISTING/PROPOSED
50	EXISTING/PROPOSED
51	EXISTING/PROPOSED
52	EXISTING/PROPOSED
53	EXISTING/PROPOSED
54	EXISTING/PROPOSED
55	EXISTING/PROPOSED
56	EXISTING/PROPOSED
57	EXISTING/PROPOSED
58	EXISTING/PROPOSED
59	EXISTING/PROPOSED
60	EXISTING/PROPOSED
61	EXISTING/PROPOSED
62	EXISTING/PROPOSED
63	EXISTING/PROPOSED
64	EXISTING/PROPOSED
65	EXISTING/PROPOSED
66	EXISTING/PROPOSED
67	EXISTING/PROPOSED
68	EXISTING/PROPOSED
69	EXISTING/PROPOSED
70	EXISTING/PROPOSED
71	EXISTING/PROPOSED
72	EXISTING/PROPOSED
73	EXISTING/PROPOSED
74	EXISTING/PROPOSED
75	EXISTING/PROPOSED
76	EXISTING/PROPOSED
77	EXISTING/PROPOSED
78	EXISTING/PROPOSED
79	EXISTING/PROPOSED
80	EXISTING/PROPOSED
81	EXISTING/PROPOSED
82	EXISTING/PROPOSED
83	EXISTING/PROPOSED
84	EXISTING/PROPOSED
85	EXISTING/PROPOSED
86	EXISTING/PROPOSED
87	EXISTING/PROPOSED
88	EXISTING/PROPOSED
89	EXISTING/PROPOSED
90	EXISTING/PROPOSED
91	EXISTING/PROPOSED
92	EXISTING/PROPOSED
93	EXISTING/PROPOSED
94	EXISTING/PROPOSED
95	EXISTING/PROPOSED
96	EXISTING/PROPOSED
97	EXISTING/PROPOSED
98	EXISTING/PROPOSED
99	EXISTING/PROPOSED
100	EXISTING/PROPOSED

TURNER PULSCHER & ASSOCIATES INC.
ARCHITECTS
1000 15th Avenue NW
Suite 1000
Burlington, BC V7R 1A5
Tel: 604.681.1111
Fax: 604.681.1112
www.turnerpulsch.com

TURNER PULSCHER
ARCHITECTS
1000 15th Avenue NW
Suite 1000
Burlington, BC V7R 1A5
Tel: 604.681.1111
Fax: 604.681.1112
www.turnerpulsch.com

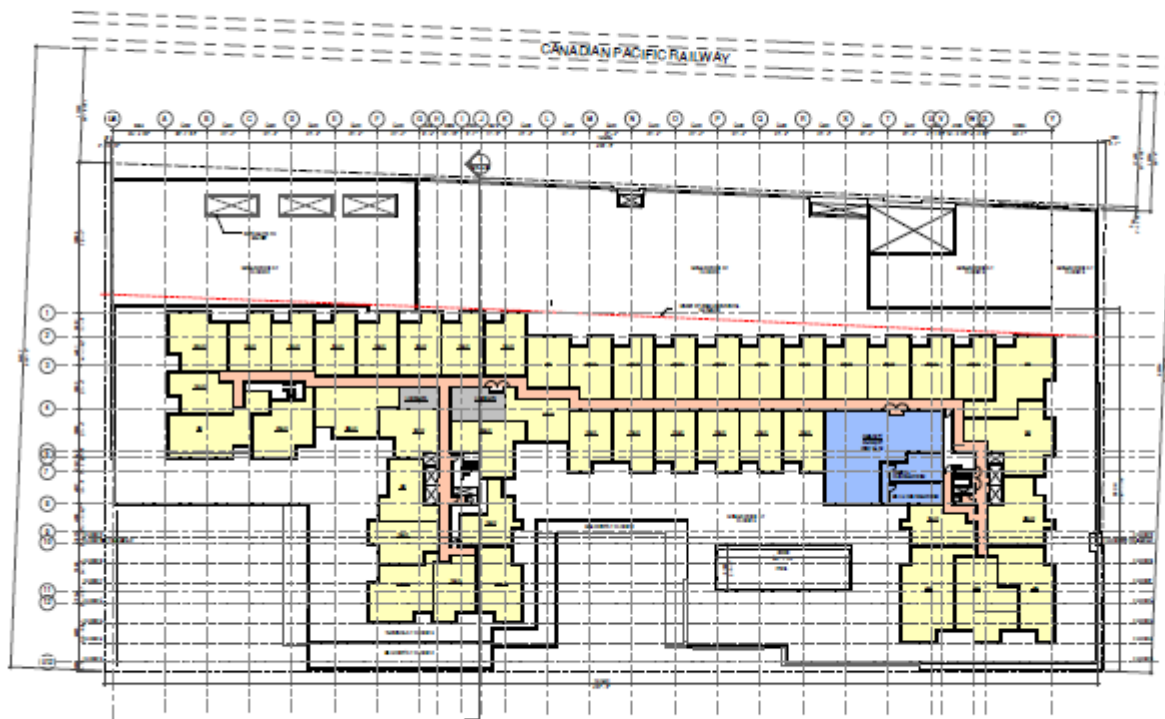
Sobeys Developments
Limited Partnership

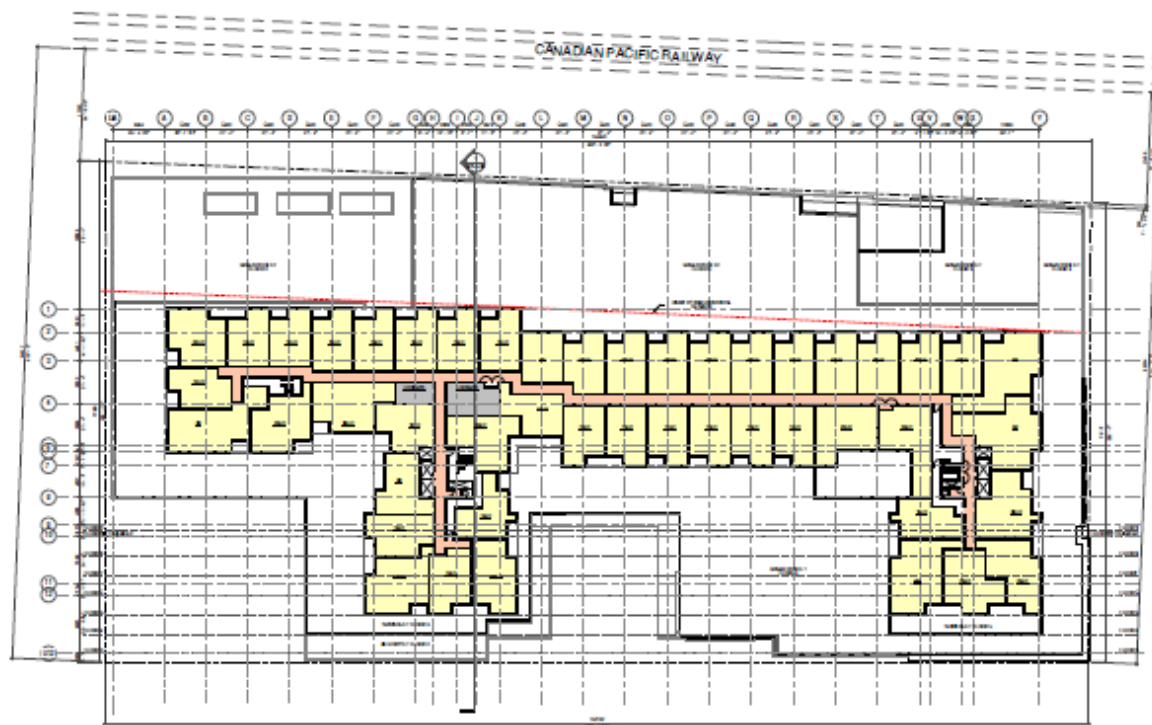
DUPONT STREET &
SHAW STREET
VICTORIA, BC

FLOOR 3 - 4

DATE: 10/1/2011
BY: [Signature]
CHECKED BY: [Signature]
SCALE: AS SHOWN

SPA-2.07





THIS DOCUMENT IS THE PROPERTY OF TURNER FLECHER AND SHOULD NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF TURNER FLECHER.

WITHOUT
PREJUDICE
AND
CONFIDENTIAL

TWO WINGS
WITH PARK
ON DUPONT

NO.	DESCRIPTION
-----	-------------

1. CONSTRUCTION
2. EXISTING
3. EXISTING
4. EXISTING
5. EXISTING
6. EXISTING
7. EXISTING
8. EXISTING
9. EXISTING
10. EXISTING
11. EXISTING
12. EXISTING
13. EXISTING
14. EXISTING
15. EXISTING
16. EXISTING
17. EXISTING
18. EXISTING
19. EXISTING
20. EXISTING
21. EXISTING
22. EXISTING
23. EXISTING
24. EXISTING
25. EXISTING
26. EXISTING
27. EXISTING
28. EXISTING
29. EXISTING
30. EXISTING
31. EXISTING
32. EXISTING
33. EXISTING
34. EXISTING
35. EXISTING
36. EXISTING
37. EXISTING
38. EXISTING
39. EXISTING
40. EXISTING
41. EXISTING
42. EXISTING
43. EXISTING
44. EXISTING
45. EXISTING
46. EXISTING
47. EXISTING
48. EXISTING
49. EXISTING
50. EXISTING
51. EXISTING
52. EXISTING
53. EXISTING
54. EXISTING
55. EXISTING
56. EXISTING
57. EXISTING
58. EXISTING
59. EXISTING
60. EXISTING
61. EXISTING
62. EXISTING
63. EXISTING
64. EXISTING
65. EXISTING
66. EXISTING
67. EXISTING
68. EXISTING
69. EXISTING
70. EXISTING
71. EXISTING
72. EXISTING
73. EXISTING
74. EXISTING
75. EXISTING
76. EXISTING
77. EXISTING
78. EXISTING
79. EXISTING
80. EXISTING
81. EXISTING
82. EXISTING
83. EXISTING
84. EXISTING
85. EXISTING
86. EXISTING
87. EXISTING
88. EXISTING
89. EXISTING
90. EXISTING
91. EXISTING
92. EXISTING
93. EXISTING
94. EXISTING
95. EXISTING
96. EXISTING
97. EXISTING
98. EXISTING
99. EXISTING
100. EXISTING

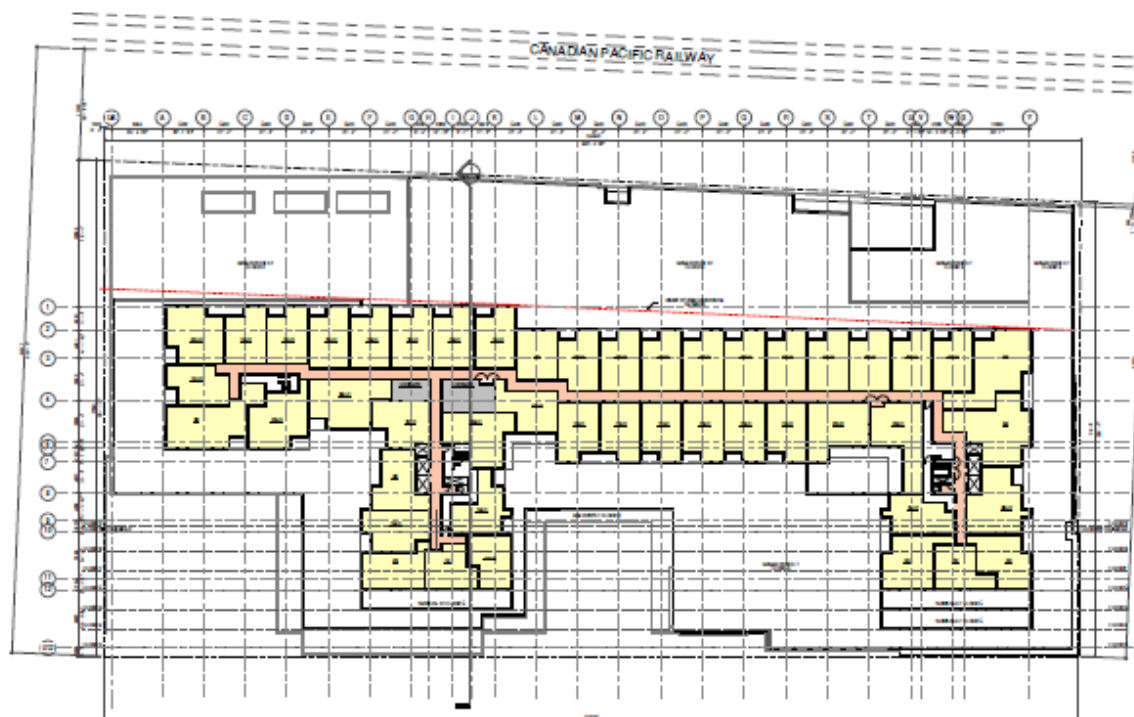
TURNER FLECHER
ARCHITECTS
1000 15th Street, N.W.
Washington, D.C. 20004
(202) 462-1000
www.turnerflecher.com

Sobey's Developments
Limited Partnership

DUPONT STREET &
SHAW STREET

FLOOR 1

SPA-2.10



WITHOUT
PREJUDICE
AND
CONFIDENTIAL

TWO WINGS
WITH PARK
ON DUPONT

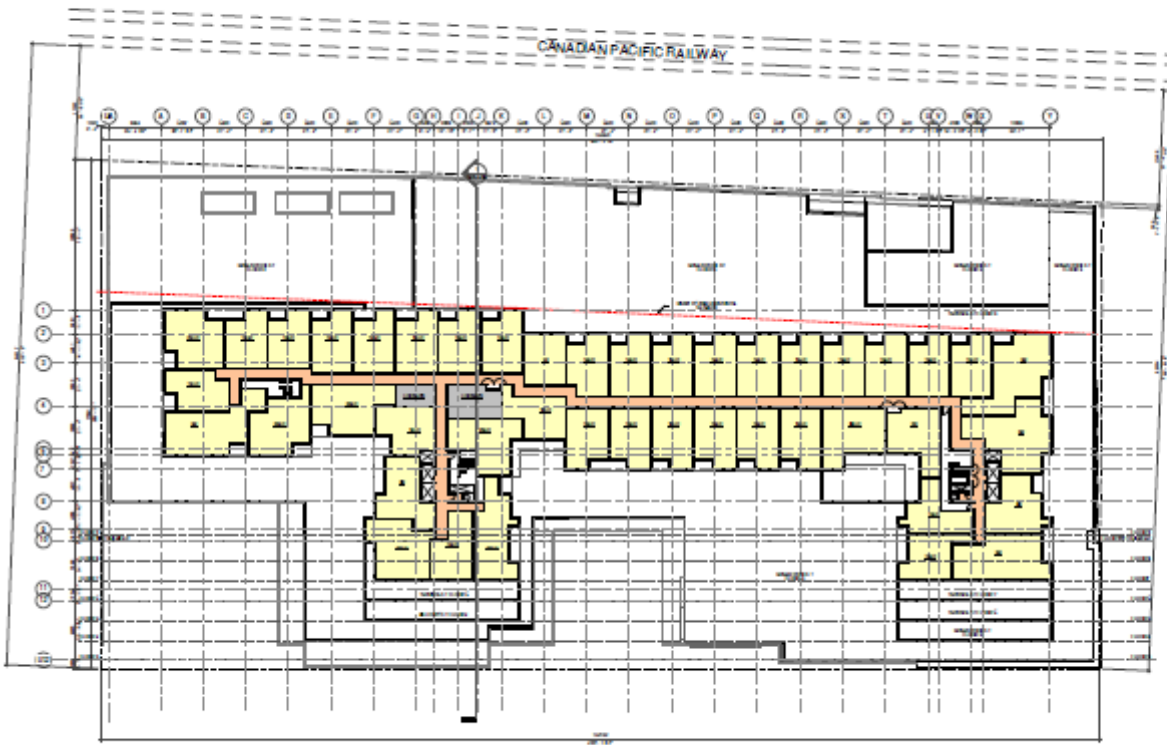
TURNER PUBLISHER
Architectural Firm
1000 10th Avenue NW
Suite 1000
Calgary, Alberta T2P 1K1
Canada
Phone: (403) 243-1111
Fax: (403) 243-1112
Email: info@turnerpublisher.com
Website: www.turnerpublisher.com

Sobeys Developments
Limited Partnership

DUPONT STREET &
SHAW STREET
CALGARY, ALBERTA

FLOOR 7

SPA-2.11





WITHOUT
PREJUDICE
AND
CONFIDENTIAL

TWO WINGS
WITH PARK
ON DUPONT

NO.	DESCRIPTION
-----	-------------

1. 10' 0" WIDE SIDEWALK
2. 10' 0" WIDE SIDEWALK
3. 10' 0" WIDE SIDEWALK
4. 10' 0" WIDE SIDEWALK
5. 10' 0" WIDE SIDEWALK
6. 10' 0" WIDE SIDEWALK
7. 10' 0" WIDE SIDEWALK
8. 10' 0" WIDE SIDEWALK
9. 10' 0" WIDE SIDEWALK
10. 10' 0" WIDE SIDEWALK
11. 10' 0" WIDE SIDEWALK
12. 10' 0" WIDE SIDEWALK
13. 10' 0" WIDE SIDEWALK
14. 10' 0" WIDE SIDEWALK
15. 10' 0" WIDE SIDEWALK
16. 10' 0" WIDE SIDEWALK
17. 10' 0" WIDE SIDEWALK
18. 10' 0" WIDE SIDEWALK
19. 10' 0" WIDE SIDEWALK
20. 10' 0" WIDE SIDEWALK
21. 10' 0" WIDE SIDEWALK
22. 10' 0" WIDE SIDEWALK
23. 10' 0" WIDE SIDEWALK
24. 10' 0" WIDE SIDEWALK
25. 10' 0" WIDE SIDEWALK
26. 10' 0" WIDE SIDEWALK
27. 10' 0" WIDE SIDEWALK
28. 10' 0" WIDE SIDEWALK
29. 10' 0" WIDE SIDEWALK
30. 10' 0" WIDE SIDEWALK
31. 10' 0" WIDE SIDEWALK
32. 10' 0" WIDE SIDEWALK
33. 10' 0" WIDE SIDEWALK
34. 10' 0" WIDE SIDEWALK
35. 10' 0" WIDE SIDEWALK
36. 10' 0" WIDE SIDEWALK
37. 10' 0" WIDE SIDEWALK
38. 10' 0" WIDE SIDEWALK
39. 10' 0" WIDE SIDEWALK
40. 10' 0" WIDE SIDEWALK
41. 10' 0" WIDE SIDEWALK
42. 10' 0" WIDE SIDEWALK
43. 10' 0" WIDE SIDEWALK
44. 10' 0" WIDE SIDEWALK
45. 10' 0" WIDE SIDEWALK
46. 10' 0" WIDE SIDEWALK
47. 10' 0" WIDE SIDEWALK
48. 10' 0" WIDE SIDEWALK
49. 10' 0" WIDE SIDEWALK
50. 10' 0" WIDE SIDEWALK
51. 10' 0" WIDE SIDEWALK
52. 10' 0" WIDE SIDEWALK
53. 10' 0" WIDE SIDEWALK
54. 10' 0" WIDE SIDEWALK
55. 10' 0" WIDE SIDEWALK
56. 10' 0" WIDE SIDEWALK
57. 10' 0" WIDE SIDEWALK
58. 10' 0" WIDE SIDEWALK
59. 10' 0" WIDE SIDEWALK
60. 10' 0" WIDE SIDEWALK
61. 10' 0" WIDE SIDEWALK
62. 10' 0" WIDE SIDEWALK
63. 10' 0" WIDE SIDEWALK
64. 10' 0" WIDE SIDEWALK
65. 10' 0" WIDE SIDEWALK
66. 10' 0" WIDE SIDEWALK
67. 10' 0" WIDE SIDEWALK
68. 10' 0" WIDE SIDEWALK
69. 10' 0" WIDE SIDEWALK
70. 10' 0" WIDE SIDEWALK
71. 10' 0" WIDE SIDEWALK
72. 10' 0" WIDE SIDEWALK
73. 10' 0" WIDE SIDEWALK
74. 10' 0" WIDE SIDEWALK
75. 10' 0" WIDE SIDEWALK
76. 10' 0" WIDE SIDEWALK
77. 10' 0" WIDE SIDEWALK
78. 10' 0" WIDE SIDEWALK
79. 10' 0" WIDE SIDEWALK
80. 10' 0" WIDE SIDEWALK
81. 10' 0" WIDE SIDEWALK
82. 10' 0" WIDE SIDEWALK
83. 10' 0" WIDE SIDEWALK
84. 10' 0" WIDE SIDEWALK
85. 10' 0" WIDE SIDEWALK
86. 10' 0" WIDE SIDEWALK
87. 10' 0" WIDE SIDEWALK
88. 10' 0" WIDE SIDEWALK
89. 10' 0" WIDE SIDEWALK
90. 10' 0" WIDE SIDEWALK
91. 10' 0" WIDE SIDEWALK
92. 10' 0" WIDE SIDEWALK
93. 10' 0" WIDE SIDEWALK
94. 10' 0" WIDE SIDEWALK
95. 10' 0" WIDE SIDEWALK
96. 10' 0" WIDE SIDEWALK
97. 10' 0" WIDE SIDEWALK
98. 10' 0" WIDE SIDEWALK
99. 10' 0" WIDE SIDEWALK
100. 10' 0" WIDE SIDEWALK

TURNER PETERSON
ARCHITECTS
1000 15th Street, N.W.
Washington, D.C. 20004
(202) 462-1000
www.turnerpeter.com

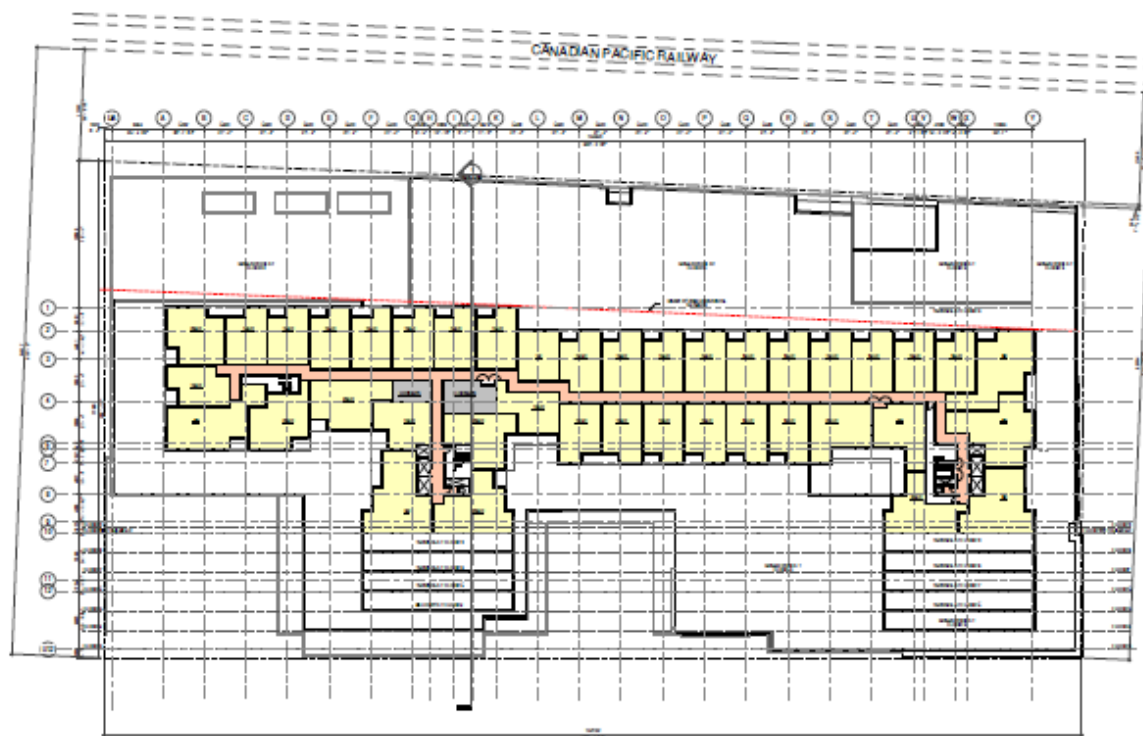
Sobysa Developments
Limited Partnership

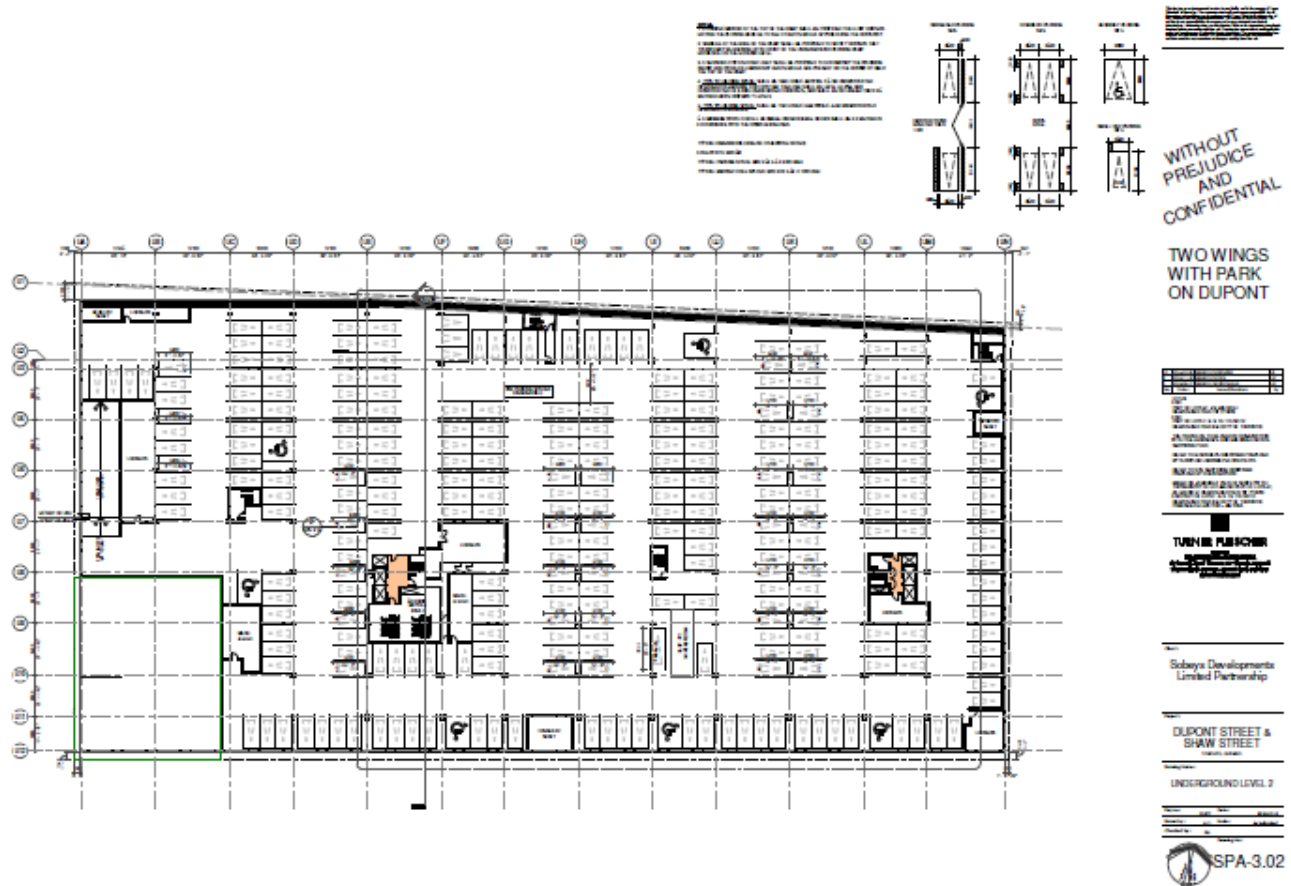
DUPONT STREET &
SHAW STREET
WASHINGTON, D.C.

FLOOR 9

NO.	DESCRIPTION
-----	-------------

SPA-2.13

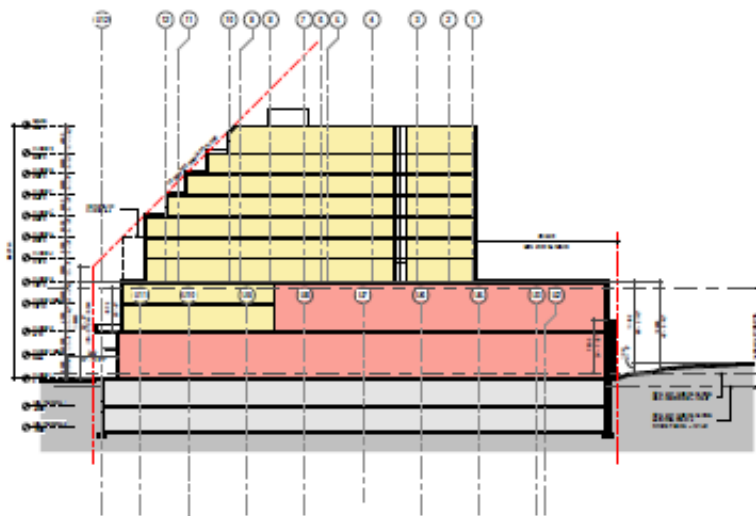




CONFIDENTIAL

WITHOUT
PREJUDICE
AND
CONFIDENTIAL

TWO WINGS
WITH PARK
ON DUPONT



NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMITTING	01/11/16	SP	SP
2	REVISIONS TO PERMITTING	01/11/16	SP	SP
3	REVISIONS TO PERMITTING	01/11/16	SP	SP
4	REVISIONS TO PERMITTING	01/11/16	SP	SP
5	REVISIONS TO PERMITTING	01/11/16	SP	SP
6	REVISIONS TO PERMITTING	01/11/16	SP	SP
7	REVISIONS TO PERMITTING	01/11/16	SP	SP
8	REVISIONS TO PERMITTING	01/11/16	SP	SP
9	REVISIONS TO PERMITTING	01/11/16	SP	SP
10	REVISIONS TO PERMITTING	01/11/16	SP	SP
11	REVISIONS TO PERMITTING	01/11/16	SP	SP
12	REVISIONS TO PERMITTING	01/11/16	SP	SP
13	REVISIONS TO PERMITTING	01/11/16	SP	SP
14	REVISIONS TO PERMITTING	01/11/16	SP	SP
15	REVISIONS TO PERMITTING	01/11/16	SP	SP

TURNE PUSCHER
ARCHITECTS
1000 15th Street, NW
Washington, DC 20004
202.462.1000
turnepuscher.com

Sobey's Developments
Limited Partnership

DUPONT STREET &
SHAW STREET
WASHINGTON, DC

SECTION

DATE: 01/11/16
BY: SP
CHKD.: SP

SPA-5.05

WITHOUT PREJUDICE

Kelly and Abbie -

We are writing further to our letter of February 26, 2016 and our supplemental letter of February 29, 2016 wherein we set out the terms of our client's without prejudice settlement offer respecting its appeals related to the Site.

Further to our without prejudice discussion with you of February 29, 2016, you advised that the Councillor intends to host a community consultation meeting respecting our client's applications for the Site on March 22, 2016. We have no objection to that meeting being held provided that the details of our client's without prejudice settlement offer are not disclosed and the development proposal presented to the community reflects our client's most recent zoning by-law amendment application resubmission made on August 19, 2105, being the 11 storey development proposal.

We also understand that in order to facilitate the timing of the above-referenced community consultation meeting, the Councillor will be seeking a deferral of our client's settlement offer to the City Council meeting commencing on March 30th, 2016. Our client has agreed to extend its settlement offer and accordingly, the offer will remain open until acceptance by the City at its meeting scheduled for March 30, 31 and April 1, 2016.

With thanks,
Sidonia

AIRD & BERLIS LLP

Barristers and Solicitors

Sidonia J. Loiacono
Direct: (416) 865-7763
E-mail: sloiacono@airdberlis.com

February 29, 2016

Our File No: 120829

BY E-MAIL

Ms. Kelly Matsumoto and Ms. Abbie Moscovich
Legal Services
City of Toronto
26th Floor, Metro Hall
55 John Street
Toronto, ON M5V 3C6

Dear Mesdames:

Re: WITHOUT PREJUDICE SETTLEMENT OFFER
500 Dupont Street, City of Toronto
OMB Case Nos: PL141134 and PL160135

We represent 500 Dupont Street Holdings Limited, formerly RoseWater Management Group Limited, owner of the property municipally known as 500 Dupont Street located on the north side of Dupont Street west of Bathurst Street ("Site"). The Site currently contains a Beer Store retail store.

We believe that the progress made to date, through the guidance offered by the Ontario Municipal Board mediation process led by Vice Chair McKenzie, has either resolved many of the outstanding issues or identified a number of concrete steps that can be taken to resolve them. In an effort to reach a mutually agreeable resolution and avoid the time and expense of a protracted OMB process, we are writing to set out our client's terms of settlement for the herein referenced appeals. Consistent with our client's stated position, this settlement proposal is to settle all of our client's appeals (including those which are pending) of the various planning instruments related to the Site.

This offer is made on a without prejudice basis and remains open until acceptance by the City during the City Council meeting scheduled for March 10, 2016.

BACKGROUND

On September 22, 2015, our client filed private applications to amend the City of Toronto Official Plan and Zoning By-law 438-86 (City File No. 15 226388 STE 20 OZ) (the "OPA and ZBA") to seek permission to construct a mixed-use development on the Site. The OPA and ZBA were deemed complete on October 7, 2015. On February 8, 2016, our client filed appeals of the ZBA with the Board pursuant to subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13 (OMB Case No. PL160135).

To date, Council has not yet made a decision with respect to our client's OPA and accordingly, we anticipate filing an appeal with respect to same under subsection 22(7) of

the *Planning Act* by April 4, 2016. This correspondence will refer to the appeals related to our client's OPA and ZBA as the "**500 Dupont Private Appeals**".

Our client also filed appeals following the City's enactment of various City-initiated planning instruments related to the Dupont Street Corridor, namely the Dupont Street specific policies set out in Official Plan Amendment No. 231, Official Plan Amendment No. 271 and Zoning By-law 1011-2014 (collectively referred to as the "**Dupont Corridor Instrument Appeals**"). In its decision issued on June 2, 2015, the Board granted a motion filed by the appellants (including our client) to consolidate the appeals related to Dupont Corridor Instrument Appeals (*OMB Case No. PL141134*). A hearing respecting the Dupont Corridor Instrument Appeals is scheduled to commence on May 2, 2016.

On October 27, 2015 the Board held a second pre-hearing conference for the Dupont Corridor Instrument Appeals. At this proceeding, our client advised the Board of its intention to file appeals of the OPA and ZBA and that it would be seeking a consolidation or a hearing at the same time of its site specific appeals with the Dupont Corridor Instrument Appeals. On February 22, 2016, our client formally filed a Motion for Consolidation in accordance with the Board's Rules of Procedure to be considered by the Board at the March 3, 2016 proceeding. Since the filing of our client's Motion, the parties to the Dupont Corridor Instrument Appeals have consented to the release of the March 3, 2016 pre-hearing conference in exchange for a replacement date of April 12, 2016.

PROPOSED SETTLEMENT OFFER

Our client proposes that the City and our client agree to jointly support a settlement of our client's appeals related to the Site based upon the following terms:

1. Our client will revise its development proposal for the Site consistent with the following:
 - a. provide a 9 storey mixed-use building, reduced from 12 storeys, with an overall height of 38 metres, including mechanical penthouse and composed of:
 - i. a maximum of 150 residential dwelling units;
 - ii. a mix of residential dwelling units with at least 10% of the total residential dwelling units being three bedroom dwelling units and a minimum of 20% of the total residential dwelling units being 2 bedroom dwelling units; and
 - iii. ground floor retail uses consisting of approximately 1,800m² of non-residential gross floor area, including the gross floor area to be attributed to the non-residential mezzanine space within the podium;
 - b. a maximum of 150m² of residential gross floor area shall be permitted above the 9th storey level to permit a mezzanine area associated with 4 residential dwelling units on the 9th storey in order to provide access to

AIRD & BERLIS LLP

- private roof top terraces above the 9th storey level. The gross floor area associated with the mezzanine shall not constitute a storey;
- c. provide a minimum of a 20 metre horizontal setback for all residential dwelling units from the edge of the railway corridor provided that the provision of rail safety mitigation measures are accepted in accordance with the applicable policies of OPA 271, as amended through this settlement and despite the designation of the lands as *Employment Areas*;
 - d. allowance for the building or structure located on the 7th, 8th and 9th storeys to be located above the 45 degree angular plane measured from a height of 16 metres above the front lot line adjacent to Dupont Street in general accordance with the attached architectural drawings and in particular as shown in yellow on drawings A400 and A402;
 - e. allowance for architectural elements, railings, cornices, canopies, awnings, skylights, ornamental elements, wind mitigation elements, trellises, lighting fixtures, screens, fences, landscape and public art elements, water features, retaining walls, window washing equipment, eaves, window sills, wheelchair ramps, vents, stairways, and railings to be located above the 45 degree angular plane measured from a height of 16 metres above the front lot line adjacent to Dupont Street;
 - f. provision of a 13.5 metre separation distance between the two proposed extensions of the development above the second storey; and
 - g. provision of a 4.5 metres setback above the 3rd storey of the proposed building for the entire Dupont Street façade.
2. The City's parkland contribution requirements as required in Article III, Chapter 415 of the Municipal Code in connection with this development shall be satisfied with cash-in-lieu of parkland to be provided to the City prior to the issuance of first above-grade building permit.
 3. The City acknowledges that the proposed lands to be conveyed to the City to facilitate a 1.5 metre laneway widening is sufficient.
 4. The owner of the Site shall work with City Staff as well as the Area Councillor's office with a view to entering into a Section 37 Agreement acceptable to both parties having an estimated total value of \$30,000 provided that:
 - a. a maximum of 10% (\$3,000) of the cash contribution to the City shall be allocated to capital improvements for Toronto Community Housing Corporation Buildings in the vicinity of the Site; and
 - b. a minimum of 90% (\$27,000) of the cash contribution to the City shall be allocated to streetscape improvements and public realm improvements adjacent to the Site.

AIRD & BERLIS LLP

The proposed Section 37 contribution represents a contribution valued at more than double the value of that which would otherwise be required given the existing (and in force) residential permissions applicable to the Site.

5. The City agrees that the residential and non-residential mezzanine uses proposed as part of the proposed development shall not constitute a storey and that the definition of storey in any implementing instruments shall define "storeys" as being only those levels above-grade and shall not include a mezzanine.
6. The City will agree to work with our client to finalize an acceptable form of OPA 231 and OPA 271 prior to the May, 2016 hearing which shall include in particular:
 - a. policies which permit an increase in the maximum number of storeys for buildings within the *Mixed Use Area* designation to 9 storeys from 8 storeys;
 - b. policies which permit the implementation of alternative rail safety mitigation measures to be assessed as part of a zoning by-law amendment application and to be subject to a peer review by a rail safety expert to be retained by the City such that residential dwelling units can be located a minimum of 20 metres setback from the railway corridor;
 - c. policies which provide that the designation line between the *Mixed Use Areas* and the *Employment Areas* designations is conceptual only and where alternative rail mitigation measures comply with the policies set out in OPA 271 (as revised through this settlement) residential dwelling units shall be permitted on the Site on lands located a minimum of 20 metres from the railway corridor and such areas shall be deemed to be designated *Mixed Use Areas*;
 - d. inclusion of policies to permit the following uses within the 30 metre railway right-of-way setback:
 - i. retail, service commercial and personal service uses;
 - ii. office uses accessory to the retail uses;
 - iii. rail safety and vibration/noise mitigation measures;
 - iv. residential, residential visitor, non-residential, and non-residential visitor parking;
 - v. car –share parking;
 - vi. residential-occupant, non-residential-occupant and visitor bicycle parking spaces;
 - vii. loading areas and loading spaces;
 - viii. non-residential and residential storage areas and lockers;
 - ix. non-residential and residential garbage areas;
 - x. storage warehousing;
 - xi. non-residential and residential driveways and ramps to underground parking;
 - xii. mechanical elements;
 - xiii. open space (including green roofs); and
 - xiv. parkland.

AIRD & BERLIS LLP

In the event of any dispute regarding the final form of OPA 271, any party may ask the Board to settle such matters through the Board-led mediation process in advance of the May, 2016 proceeding or as part of the hearing in May, 2016.

7. The City will agree to work with our client to finalize an acceptable form of a site specific zoning by-law amendment for the Site to facilitate the enclosed settlement proposal prior to the May 2016 hearing and in the event of any dispute regarding the final form of same, any party may ask the Board to settle such matters through the Board-led mediation process in advance of the May, 2016 proceeding or as part of the hearing in May, 2016.
8. The City acknowledges that the architectural plans dated February 26, 2016 (enclosed) are conceptual only and shared in furtherance of the enclosed settlement offer. Accordingly, minor revisions are anticipated and will be reflected in the final ZBA resubmission to be formally submitted to the City upon City Council's acceptance of the herein settlement terms.
9. The City will support our client's Motion for Consolidation of the 500 Dupont Private Appeals with the Dupont Corridor Instrument Appeals.
10. The City will not seek to adjourn the hearing of our client's appeals outside of the hearing dates scheduled (from May 2, 2016 – May 20, 2016), unless such an adjournment is required as a result of a City labour disruption, strike or lock-out which would affect staff's full participation in the hearing.
11. The City and our client shall ask the Ontario Municipal Board to withhold its final Order respecting our the 500 Dupont Private Appeals until advised by the City Solicitor that a satisfactory Section 37 Agreement has been entered into securing the requirements noted in paragraph 4, above.
12. Each party will bear its own costs of these proceedings.
13. The City agrees that the components of our client's settlement proposal provided herein represent the basis of a final settlement for all of our client's appeals (including those which are pending) related to the Site.
14. This letter is delivered on a without prejudice and confidential basis but may be made public following the conclusion of the Council meeting commencing on March 10, 2016 if the offer contained herein is accepted at that meeting.

In support of our client's settlement proposal, we enclose our client's revised architectural plans dated February 26, 2016 which reflect the above described settlement proposal. Should this offer be accepted by City Council at its meeting on March 10, 2016, and Council resolves to support the within settlement proposal at the Ontario Municipal Board, our client would proceed to revise and formally resubmit the ZBA in substantial accordance with the attached drawings and statistics in order to implement the settlement proposal. We will also prepare the necessary instruments to facilitate the development of the settlement proposal which shall be filed with the Board at the May 2016 proceeding.

AIRD & BERLIS LLP

February 29, 2016
Page 6

Finally, we want to thank you and all staff involved for your efforts in working towards a mediated settlement.

We trust the enclosed is satisfactory. Should you require further information, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP

A handwritten signature in black ink, appearing to read "Loiacono", written over the printed name.

Sidonia J. Loiacono

SJL

cc. Clients
Bousfields Inc.

Encl.
25239814.4

AIRD & BERLIS LLP

AIRD & BERLIS LLP

Barristers and Solicitors

Sidonia J. Lolocono
Direct: (416) 865-7763
E-mail: slolocono@airdberlis.com

March 1, 2016

Our File No: 120829

BY E-MAIL

Ms. Kelly Matsumoto and Ms. Abbie Moscovich
Legal Services
City of Toronto
26th Floor, Metro Hall
55 John Street
Toronto, ON M5V 3C6

Dear Mesdames:

**Re: WITHOUT PREJUDICE SETTLEMENT OFFER – SUPPLEMENTAL OFFER
500 Dupont Street, City of Toronto
OMB Case Nos: PL141134 and PL160135**

We represent 500 Dupont Street Holdings Limited, formerly RoseWater Management Group Limited, owner of the property municipally known as 500 Dupont Street located on the north side of Dupont Street west of Bathurst Street ("Site").

We are writing further to our letter of February 29, 2016 wherein we enclosed the terms of our client's without prejudice settlement offer respecting its appeals related to the Site and our without prejudice discussion that same day.

Further to our discussion, you advised that the Councillor intends to host a community consultation meeting respecting our client's applications for the Site on March 22, 2016. We have no objection to that meeting being held provided that the details of our client's without prejudice settlement offer are not disclosed and the development proposal presented to the community reflects our client's original submission made on September 22, 2105, being the 12 storey development proposal.

We also understand that in order to facilitate the timing of the above-referenced community consultation meeting, the Councillor will be seeking a deferral of our client's settlement offer to the City Council meeting commencing on March 30th, 2016. Our client has agreed to extend its settlement offer and accordingly, it will remain open until acceptance by the City at its meeting scheduled for March 30, 31 and April 1, 2016, provided that our client's site specific applications filed on September 22, 2015 (City File No. 15 226388 STE 20 OZ) are refused by City Council on March 10, 2016.

Our client has also agreed to revise paragraph 1(b) of its February 29, 2016 settlement offer so that a maximum of 100m² of residential gross floor area shall be permitted above the 9th storey level to permit a mezzanine area associated with 4 residential dwelling units on the 9th storey.

Finally, while our client maintains that the proposed section 37 contribution of \$30,000 represents a contribution valued at more than double the value of that which would otherwise be required in association with this development, in order to achieve a resolution in the subject appeals, our client has agreed to amend paragraph 4 of its settlement offer filed on February 29, 2016 so that it now provides as follows:

The owner of the Site shall work with City Staff as well as the Area Councillor's office with a view to entering into a Section 37 Agreement acceptable to both parties having an estimated total value of \$50,000 provided that:

- a. a maximum of 10% (\$5,000) of the cash contribution to the City shall be allocated to capital improvements for Toronto Community Housing Corporation Buildings in the vicinity of the Site; and
- b. a minimum of 90% (\$45,000) of the cash contribution to the City shall be allocated to streetscape improvements and public realm improvements adjacent to the Site.

We trust the enclosed is satisfactory. Should you require further information, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Sidonia J. Loiacono

SJL

cc. Clients
Bousfields Inc.

Encl.
25269814.1

AIRD & BERLIS LLP



19-03

Student Name	Student ID
Student Name	Student ID
Student Name	Student ID
Student Name	Student ID

COVER

CORE

©2008 International BSA
217 Adelaide St. West, Suite 800
Toronto ON Canada M5H 1P9

Tel: 416-543-5409
Fax: 416-543-5407
info@thermochill.com
www.thermochill.com

A001

GCA SUMMARY (SM)			GFA @ 88%		SALABLE AREA			
LEVEL	AREA SM	AREA SF	SM	SF	RES. SM	RES. SF	NON RES. SM	NON RES. SF
LEVEL 1	2,329.5	25074	2049	22060	0	0	1145.5	12330.4
LEVEL MEZZ	781.9	8416	688	7405	0	0	584	6285.8
LEVEL 2	1,415.2	15233	1245	13403	801.5	8627	0	0
LEVEL 3	1,308.9	14089	1152	12399	1,152.1	12401	0	0
LEVEL 4	1,159.3	12479	1019	10978	1,028.1	11067	0	0
LEVEL 5	1,218.4	13114	1071	11537	1,081	11636	0	0
LEVEL 6	1,218.4	13114	1071	11537	1,087.3	11704	0	0
LEVEL 7	1,218.4	13114	1071	11537	1,098.8	11827	0	0
LEVEL 8	1,130.2	12165	994	10703	1,010.6	10878	0	0
LEVEL 9	1,130.2	12165	994	10703	992.1	10679	0	0
MECH. PH	825.2	8882	726	7815	98.2	1057	0	0
TOTAL	13,735.5	147,847	12,080	130,077	8,349.8	89,877	1729.5	18,616.2

ABOVE GRADE GCA TOTAL	13,735 SM	147,847 SF
-----------------------	-----------	------------

1 BD	2 BD	3 BD	TOTAL
60%	30%	10%	100%
87 UNITS	44 UNITS	14 UNITS	≈ 145 UNITS

500 DUPONT ST
TORONTO ON

15-123

WITHOUT PREJUDICE

DATE	REVISION
15-123	15-123

BUILDING STATS

CORE

CORE COMMERCIAL INC.
217 Adelaide St. West, Suite 200
Toronto, ON Canada M5H 1P9
Tel: 416-593-5458
Fax: 416-593-5457
info@corecommercial.com
corecommercial.com

A005

500 DUPONT ST
TORONTO ON
15-123

ABOVE GRADE GCA TOTAL 13735 147847 SF

ABOVE GRADE GFA TOTAL 12,080 SM 147847 SF

PREVIOUS GCA TOTAL GCA - 16,347 SM 175,950 SF
DIFFERENCE IN GCA - 2,612 SM 28,103 SF

PREVIOUS GFA TOTAL GFA - 14,283 SM 153,740 SF
DIFFERENCE IN GFA - 2,203 SM 23,663 SF

NON-RES SALEABLE AREA	1,729 SM	18,616 SF
LVL 1 CORRIDOR	101 SM	1,083 SF
LVL 2 CORRIDOR	156 SM	1,675 SF
TOTAL NON- RES GFA	1,986 SM	21,374 SF

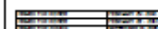
TOTAL GFA @ 88%	12,080 SM	130,077 SF
TOTAL NON- RES GFA	1,986 SM	21,374 SF
TOTAL RES GFA -	10,094 SM	108,703 SF

REVISIONS

BUILDING STATS
COMPARISON

CORE
CORE COMMERCIAL INC.
217 Adelaide St West Suite 400
Toronto ON Canada M5H 1P9
Tel: 416 593 5100
Fax: 416 593 5101
info@corecommercial.com
corecommercial.com

A005.1



LEVEL P2

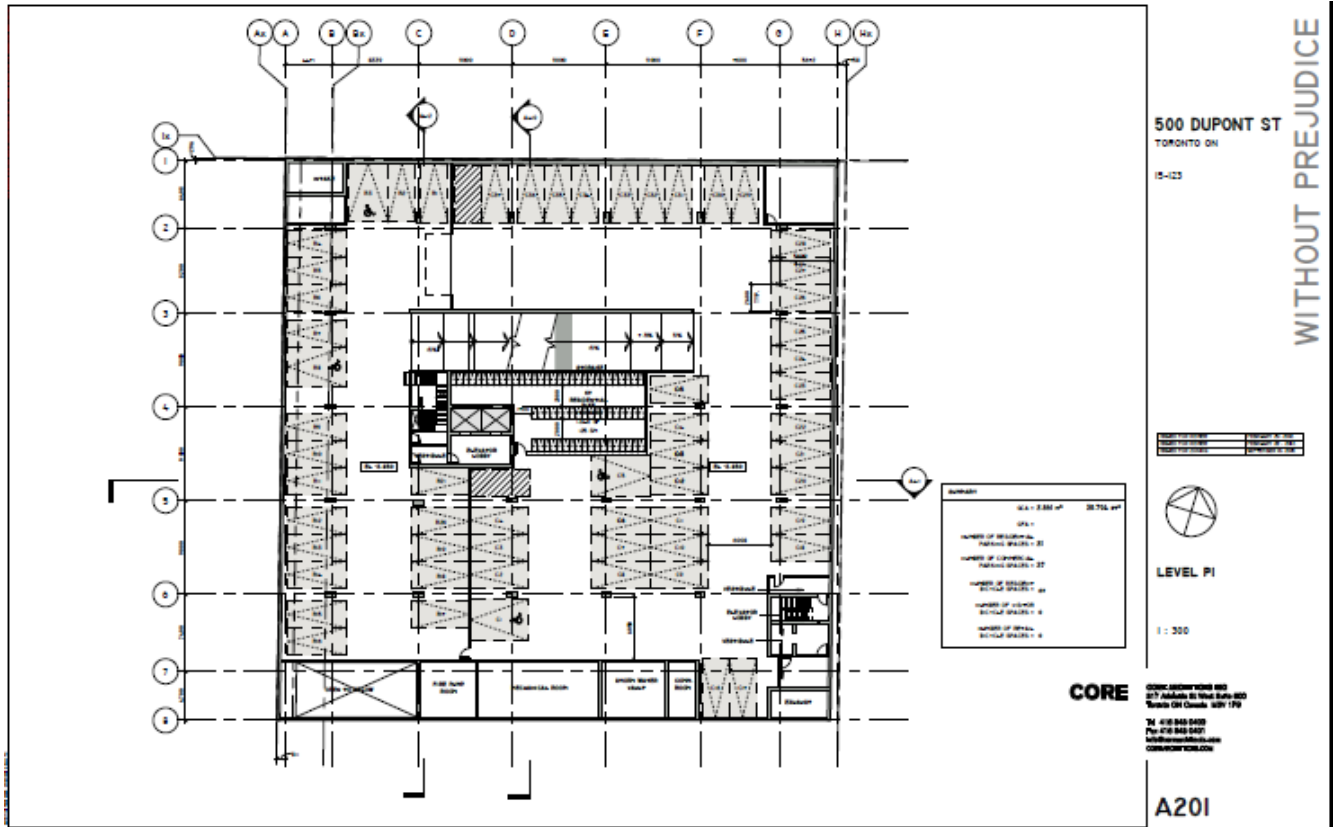
1 : 300

CORE

CONC. INFORMATION 800
277-4662 or 1-800-268-8000
Toronto ON Canada M9V 1P9

TEL 416-845-0400
Fax 416-845-0401
info@warnermedia.com

A200



500 DUPONT ST
TORONTO ON

15-123

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	15-123
2	REVISED	15-123
3	REVISED	15-123



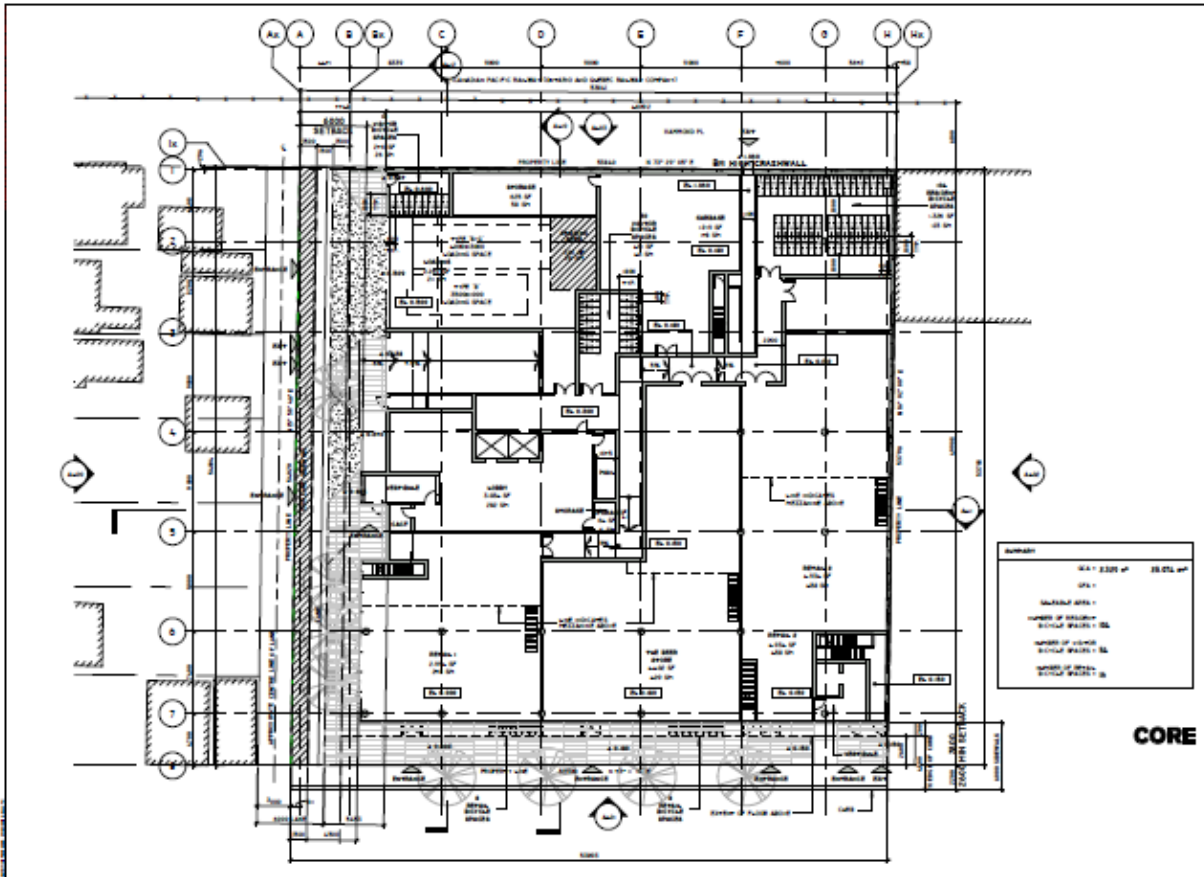
LEVEL 1

1 : 300

CORE

OWNER: JACOBI HOLDING LTD.
217 Adelaide St. West, Suite 400
Toronto, ON Canada M5T 1P9
Tel: 416 593 0455
Fax: 416 593 0457
info@jacobiholding.com
www.jacobiholding.com

A202



500 DUPONT ST
TORONTO ON
M5G 1B2

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071	1072	1073	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083	1084	1085	1086	1087	1088	1089	1090	1091	1092	1093	1094	1095	1096	1097	1098	1099	1100	1101	1102	1103	1104	1105	1106	1107	1108	1109	1110	1111	1112	1113	1114	1115	1116	1117	1118	1119	1120	1121	1122	1123	1124	1125	1126	1127	1128	1129	1130	1131	1132	1133	1134	1135	1136	1137	1138	1139	1140	1141	1142	1143	1144	1145	1146	1147	1148	1149	1150	1151	1152	1153	1154	1155	1156	1157	1158	1159	1160	1161	1162	1163	1164	1165	1166	1167	1168	1169	1170	1171	1172	1173	1174	1175	1176	1177	1178	1179	1180	1181	1182	1183	1184	1185	1186	1187	1188	1189	1190	1191	1192	1193	1194	1195	1196	1197	1198	1199	1200	1201	1202	1203	1204	1205	1206	1207	1208	1209	1210	1211	1212	1213	1214	1215	1216	1217	1218	1219	1220	1221	1222	1223	1224	1225	1226	1227	1228	1229	1230	1231	1232	1233	1234	1235	1236	1237	1238	1239	1240	1241	1242	1243	1244	1245	1246	1247	1248	1249	1250	1251	1252	1253	1254	1255	1256	1257	1258	1259	1260	1261	1262	1263	1264	1265	1266	1267	1268	1269	1270	1271	1272	1273	1274	1275	1276	1277	1278	1279	1280	1281	1282	1283	1284	1285	1286	1287	1288	1289	1290	1291	1292	1293	1294	1295	1296	1297	1298	1299	1300	1301	1302	1303	1304	1305	1306	1307	1308	1309	1310	1311	1312	1313	1314	1315	1316	1317	1318	1319	1320	1321	1322	1323	1324	1325	1326	1327	1328	1329	1330	1331	1332	1333	1334	1335	1336	1337	1338	1339	1340	1341	1342	1343	1344	1345	1346	1347	1348	1349	1350	1351	1352	1353	1354	1355	1356	1357	1358	1359	1360	1361	1362	1363	1364	1365	1366	1367	1368	1369	1370	1371	1372	1373	1374	1375	1376	1377	1378	1379	1380	1381	1382	1383	1384	1385	1386	1387	1388	1389	1390	1391	1392	1393	1394	1395	1396	1397	1398	1399	1400	1401	1402	1403	1404	1405	1406	1407	1408	1409	1410	1411	1412	1413	1414	1415	1416	1417	1418	1419	1420	1421	1422	1423	1424	1425	1426	1427	1428	1429	1430	1431	1432	1433	1434	1435	1436	1437	1438	1439	1440	1441	1442	1443	1444	1445	1446	1447	1448	1449	1450	1451	1452	1453	1454	1455	1456	1457	1458	1459	1460	1461	1462	1463	1464	1465	1466	1467	1468	1469	1470	1471	1472	1473	1474	1475	1476	1477	1478	1479	1480	1481	1482	1483	1484
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------

500 DUPONT ST
TORONTO ON
M5G 1B2

NO.	DATE	DESCRIPTION
1	10/10/10	ISSUED FOR PERMIT
2	10/10/10	REVISED
3	10/10/10	REVISED
4	10/10/10	REVISED
5	10/10/10	REVISED



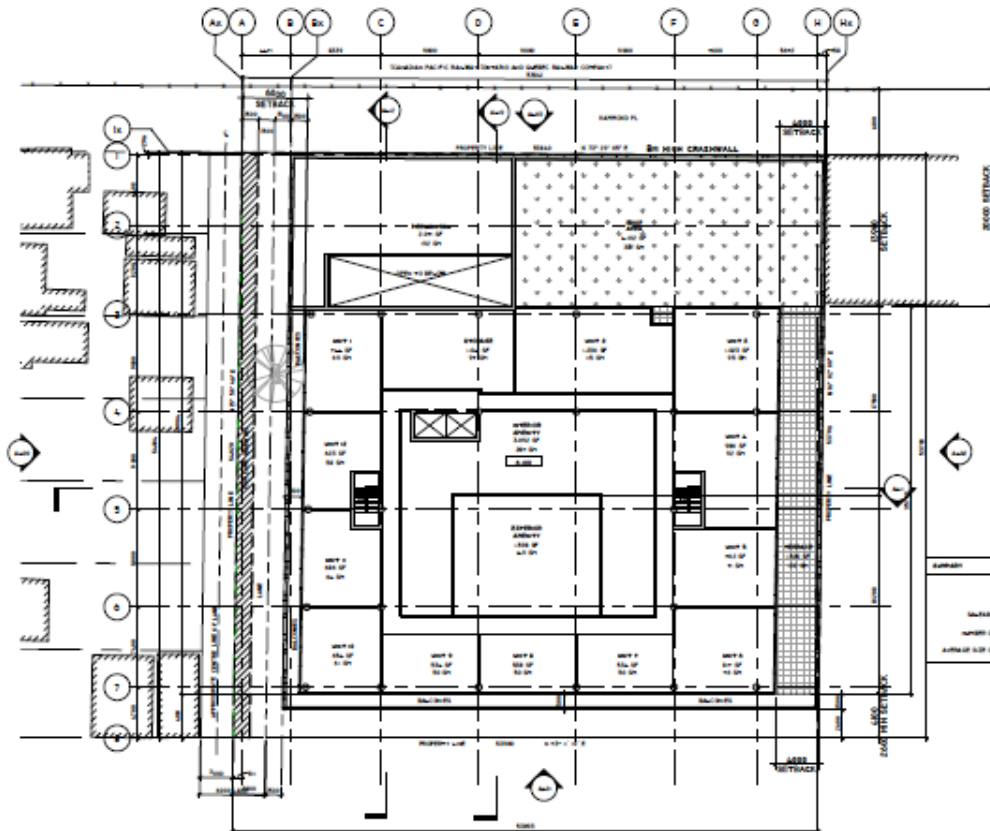
LEVEL 2

1 : 300

CORE

CONSULTING ENGINEERS AND ARCHITECTS
217 Adelaide St. West Suite 400
Toronto ON Canada M5H 1P9
Tel: 416 593 5400
Fax: 416 593 5401
info@cmv.com
www.cmv.com

A204



Summary		
Area	1,428 sq ft	13,222 sq ft
Core	1,428 sq ft	13,222 sq ft
Number of units	12	12
Number of units	12	12

500 DUPONT ST
TORONTO ON

15-123

MEP 100	MEP 100
MEP 100	MEP 100
MEP 100	MEP 100
MEP 100	MEP 100



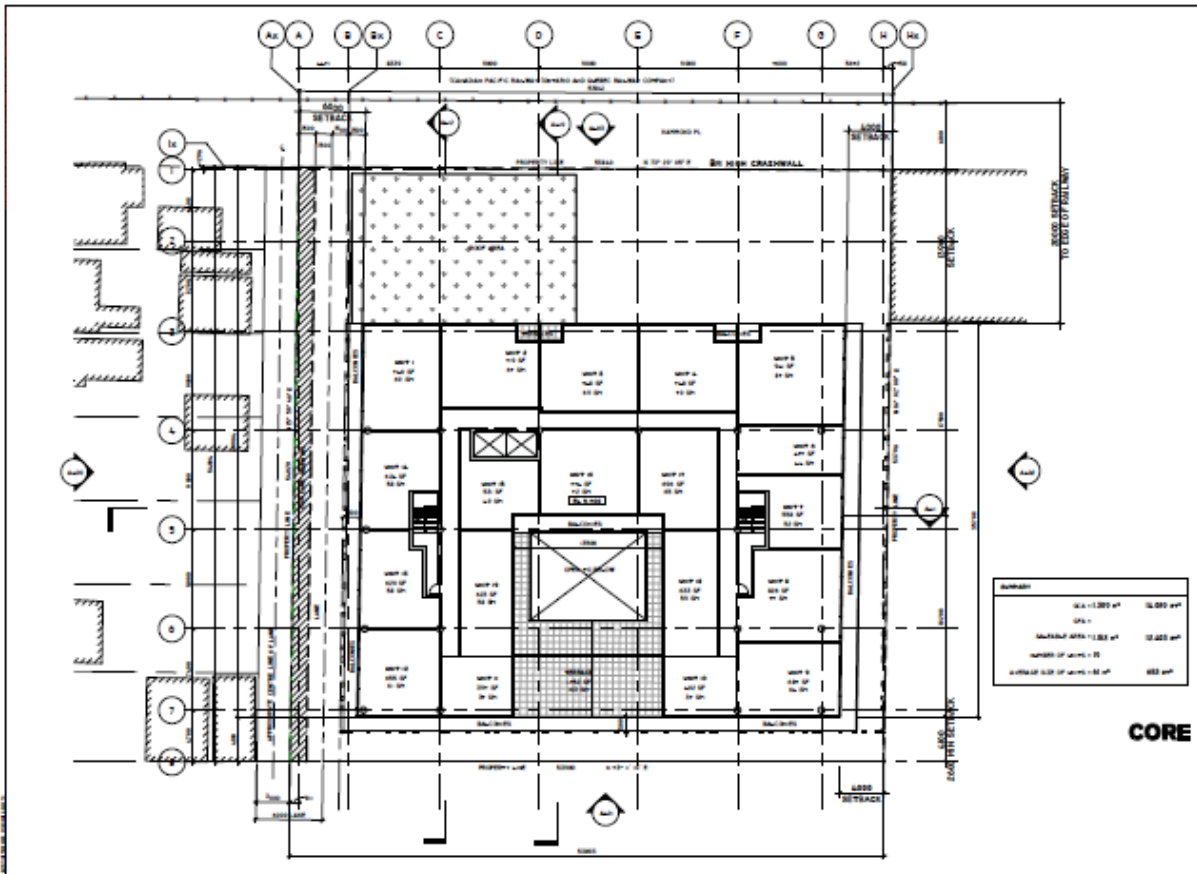
LEVEL 3

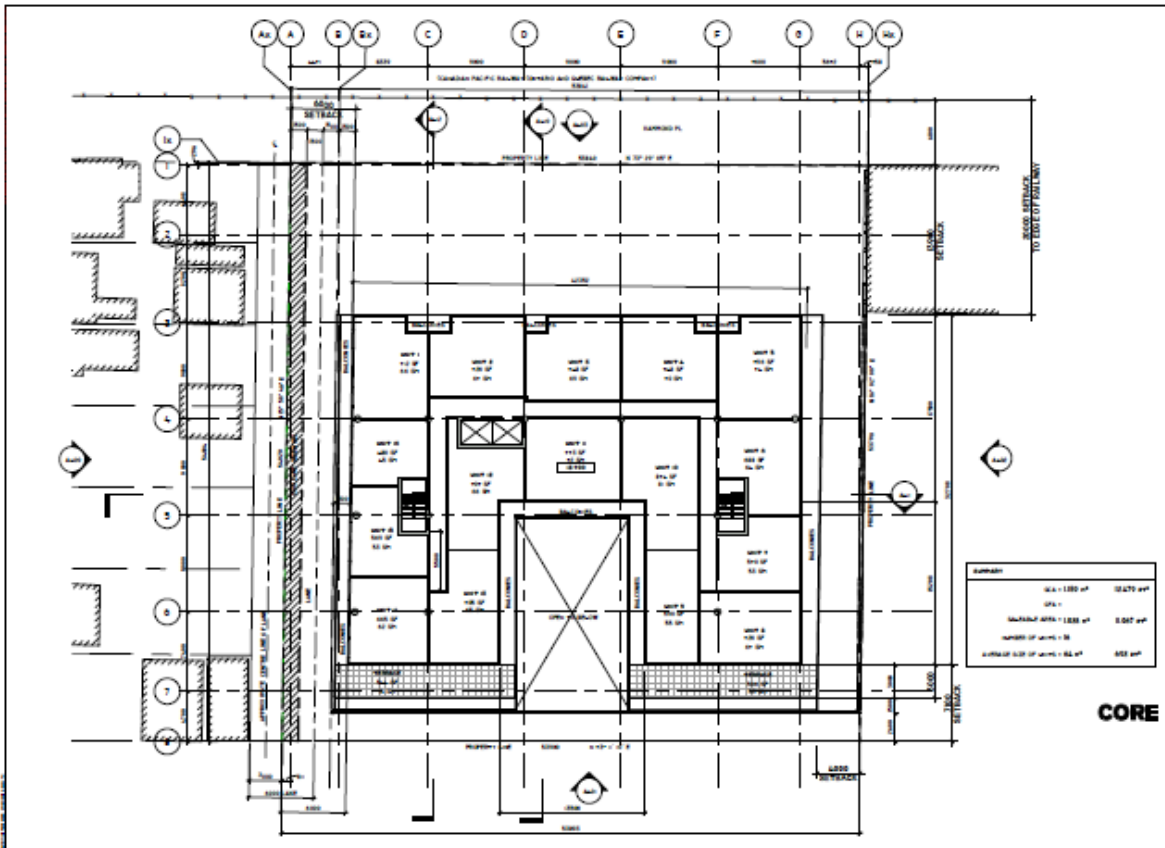
1 : 300

CORE

CONIC ARCHITECTURE INC.
117 Adelaide St. West Suite 400
Toronto ON Canada M5V 1P9
Tel: 416-940-9400
Fax: 416-940-9401
info@conicarch.com
CONICARCH.COM

A205





500 DUPONT ST
TORONTO ON
M5G 1B2

WITHOUT PREJUDICE

Room	Area	Area
Room 1	10,000	10,000
Room 2	10,000	10,000
Room 3	10,000	10,000
Room 4	10,000	10,000
Room 5	10,000	10,000
Room 6	10,000	10,000
Room 7	10,000	10,000
Room 8	10,000	10,000
Room 9	10,000	10,000
Room 10	10,000	10,000
Room 11	10,000	10,000
Room 12	10,000	10,000
Room 13	10,000	10,000
Room 14	10,000	10,000
Room 15	10,000	10,000
Room 16	10,000	10,000
Room 17	10,000	10,000
Room 18	10,000	10,000
Room 19	10,000	10,000
Room 20	10,000	10,000
Room 21	10,000	10,000
Room 22	10,000	10,000
Room 23	10,000	10,000
Room 24	10,000	10,000
Room 25	10,000	10,000
Room 26	10,000	10,000
Room 27	10,000	10,000
Room 28	10,000	10,000
Room 29	10,000	10,000
Room 30	10,000	10,000
Room 31	10,000	10,000
Room 32	10,000	10,000
Room 33	10,000	10,000
Room 34	10,000	10,000
Room 35	10,000	10,000
Room 36	10,000	10,000
Room 37	10,000	10,000
Room 38	10,000	10,000
Room 39	10,000	10,000
Room 40	10,000	10,000
Room 41	10,000	10,000
Room 42	10,000	10,000
Room 43	10,000	10,000
Room 44	10,000	10,000
Room 45	10,000	10,000
Room 46	10,000	10,000
Room 47	10,000	10,000
Room 48	10,000	10,000
Room 49	10,000	10,000
Room 50	10,000	10,000
Room 51	10,000	10,000
Room 52	10,000	10,000
Room 53	10,000	10,000
Room 54	10,000	10,000
Room 55	10,000	10,000
Room 56	10,000	10,000
Room 57	10,000	10,000
Room 58	10,000	10,000
Room 59	10,000	10,000
Room 60	10,000	10,000
Room 61	10,000	10,000
Room 62	10,000	10,000
Room 63	10,000	10,000
Room 64	10,000	10,000
Room 65	10,000	10,000
Room 66	10,000	10,000
Room 67	10,000	10,000
Room 68	10,000	10,000
Room 69	10,000	10,000
Room 70	10,000	10,000
Room 71	10,000	10,000
Room 72	10,000	10,000
Room 73	10,000	10,000
Room 74	10,000	10,000
Room 75	10,000	10,000
Room 76	10,000	10,000
Room 77	10,000	10,000
Room 78	10,000	10,000
Room 79	10,000	10,000
Room 80	10,000	10,000
Room 81	10,000	10,000
Room 82	10,000	10,000
Room 83	10,000	10,000
Room 84	10,000	10,000
Room 85	10,000	10,000
Room 86	10,000	10,000
Room 87	10,000	10,000
Room 88	10,000	10,000
Room 89	10,000	10,000
Room 90	10,000	10,000
Room 91	10,000	10,000
Room 92	10,000	10,000
Room 93	10,000	10,000
Room 94	10,000	10,000
Room 95	10,000	10,000
Room 96	10,000	10,000
Room 97	10,000	10,000
Room 98	10,000	10,000
Room 99	10,000	10,000
Room 100	10,000	10,000



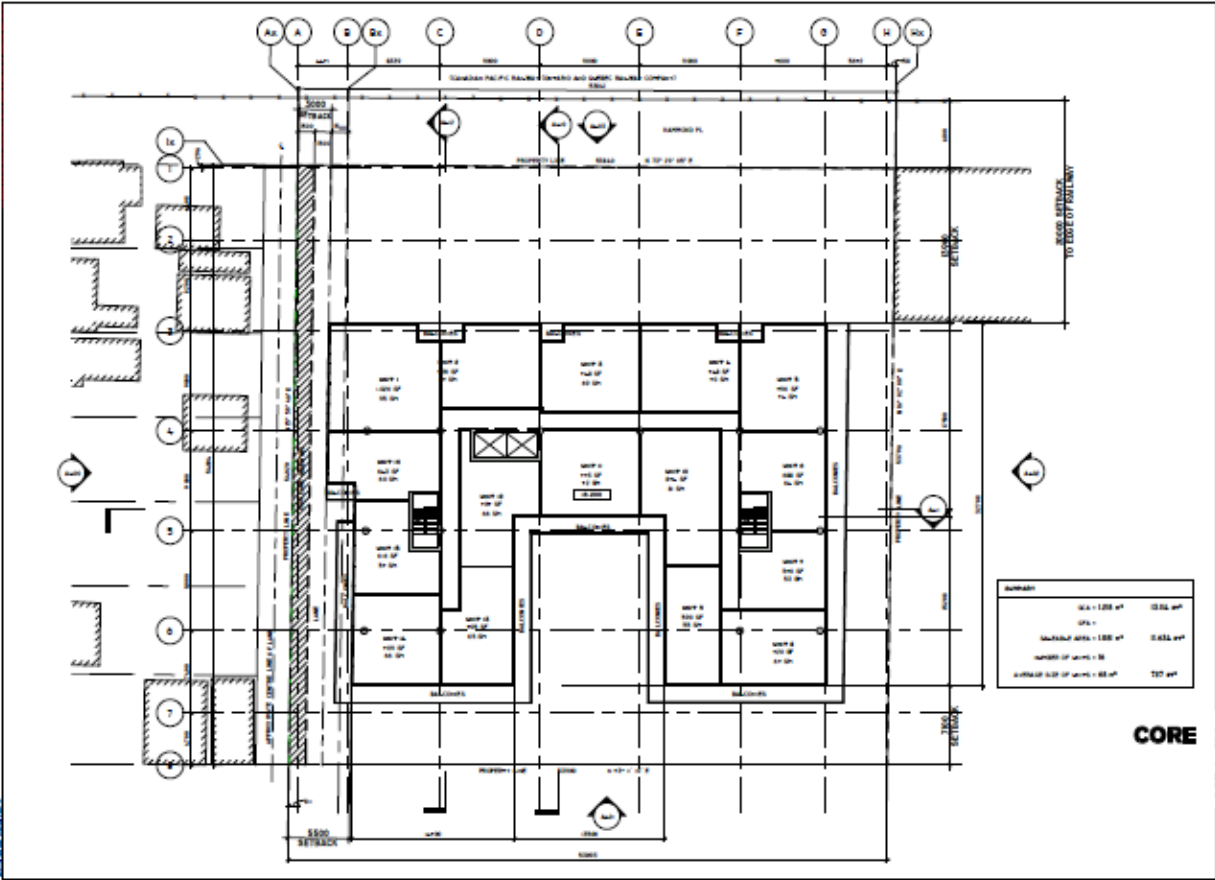
LEVEL 4

1 : 300

CORE

500 DUPONT ST
TORONTO ON
M5G 1B2
TEL: 416 593 5400
FAX: 416 593 5401
WWW.COMMERCIALONLINE.COM

A206



500 DUPONT ST
TORONTO ON
M5G 1B2

Room	Area (sq ft)
Level 5	10,000
Level 5	10,000
Level 5	10,000
Level 5	10,000
Level 5	10,000



LEVEL 5

1 : 300

CORE

CONSTRUCTION AND
217 Adelaide St. West, Suite 500
Toronto, ON Canada M5H 1P6
Tel: 416 593 5555
Fax: 416 593 5557
info@construction.com
CONSTRUCTION.COM

A207

500 DUPONT ST
TORONTO ON
M5G 1B5

DATE	2015-12-15
BY	1010
CHECKED BY	1010
REVISION	



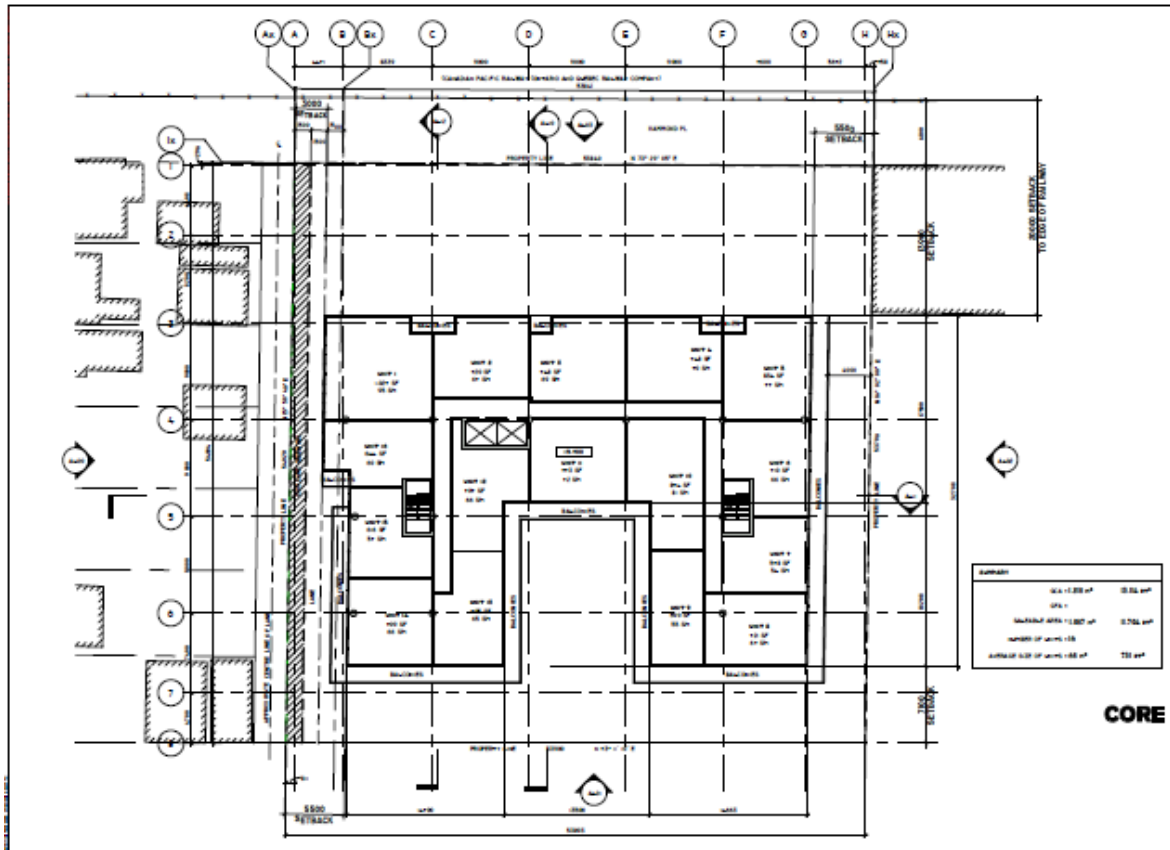
LEVEL 6

1 : 200

CORE

1010 ARCHITECTS INC.
277 Adelaide St. West Suite 400
Toronto ON Canada M5H 1P6
Tel: 416-543-5433
Fax: 416-543-5431
info@1010architects.com
www.1010architects.com

A208



500 DUPONT ST
TORONTO ON

15-123

DATE	15-123	REVISION	15-123
BY	15-123	BY	15-123
CHECKED	15-123	CHECKED	15-123



LEVEL 7

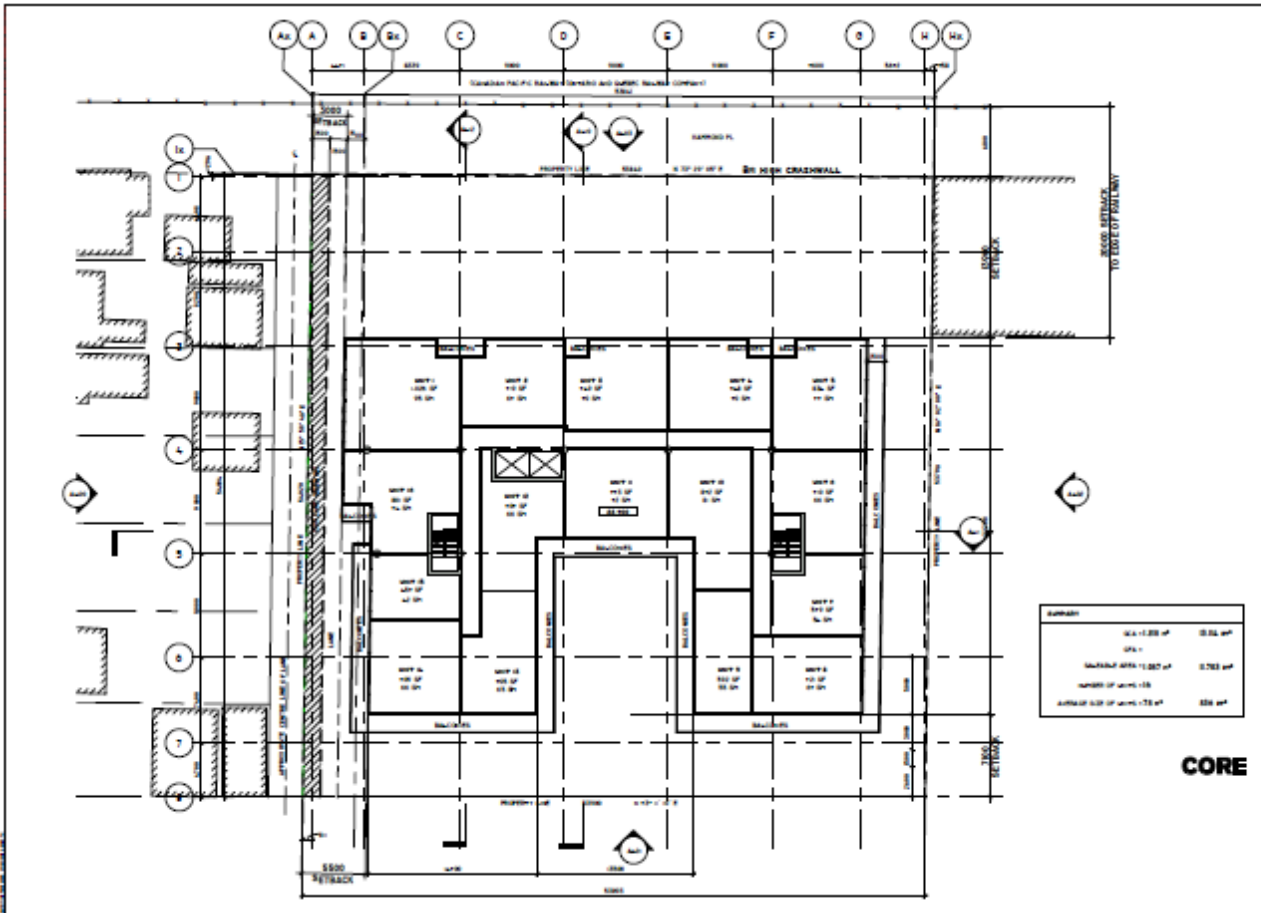
1 : 300

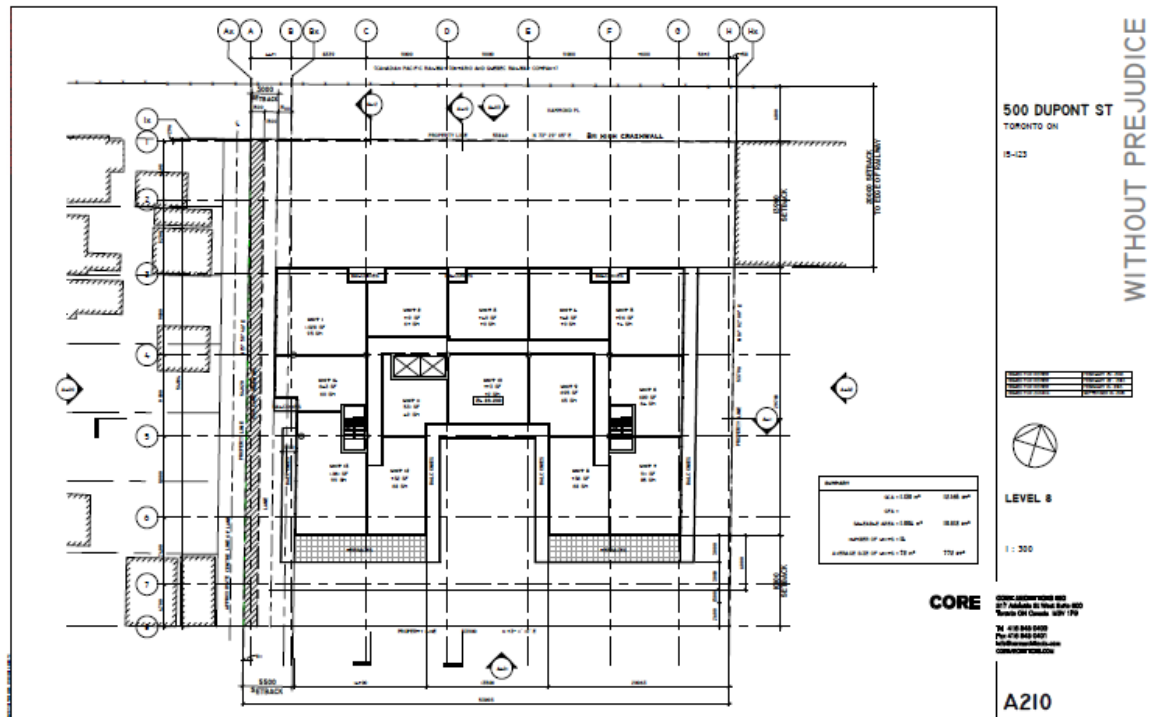
SUMMARY		
G.A. 15-123	15-123	
DATE	15-123	
REVISION	15-123	
BY	15-123	
CHECKED	15-123	
DATE	15-123	
REVISION	15-123	
BY	15-123	
CHECKED	15-123	

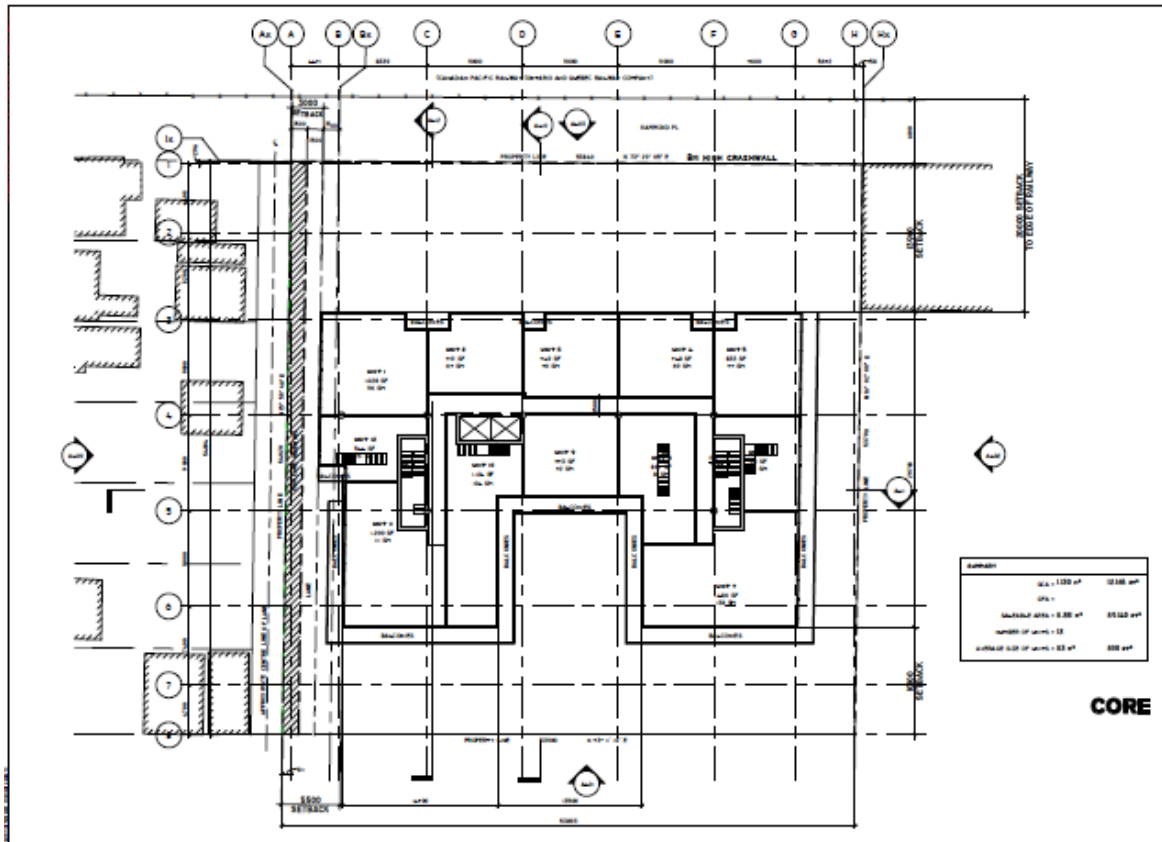
CORE

CONSTRUCTION AND
REPAIRS TO THE CORE
TORONTO ON CANADA M5V 1Y9
TEL: 416 940 0400
FAX: 416 940 0400
WWW.CORECONSTRUCTION.COM

A209







500 DUPONT ST
TORONTO ON
M5G 1B5

WITHOUT PREJUDICE

LEVEL 9

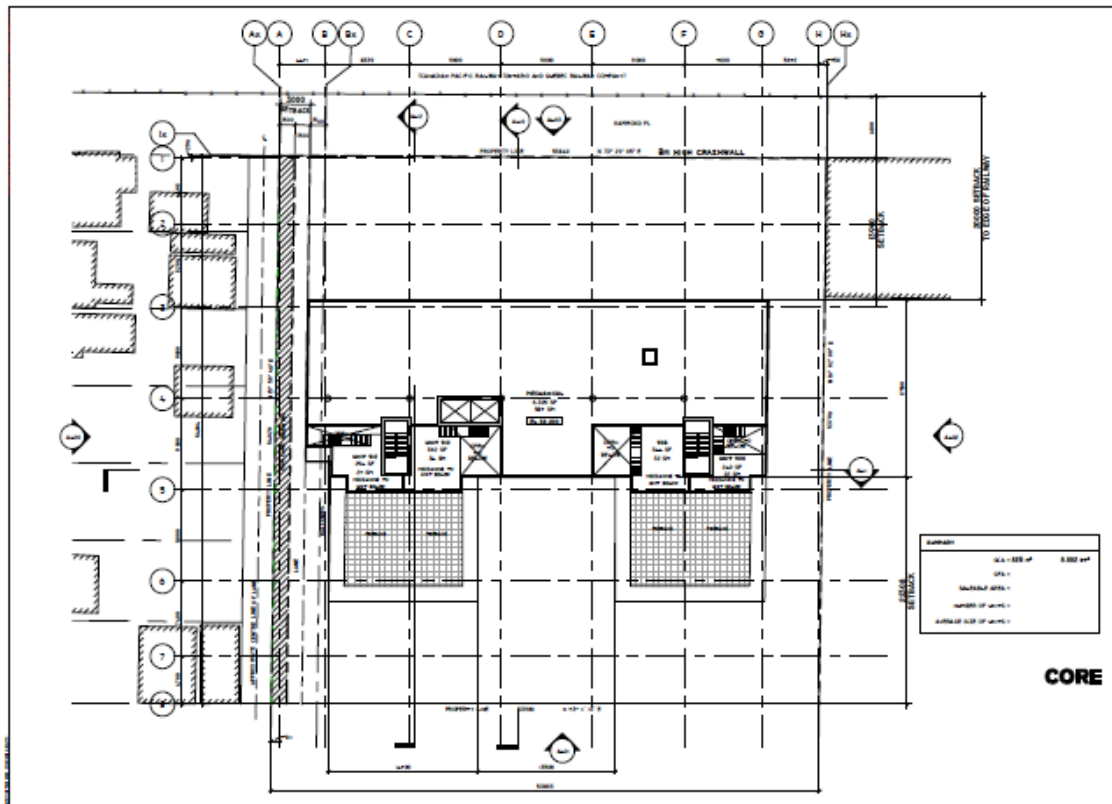
1:300

CORE

CORE DOCUMENT NO. 001
2017 Addition to West Bay 500
Toronto City Council, 2017-176

TEL: 416-940-5400
FAX: 416-940-5401
info@toronto.ca
www.toronto.ca

A211



500 DUPONT ST
TORONTO ON
15-123

DATE	15-123
BY	15-123
CHECKED BY	15-123
APPROVED BY	15-123

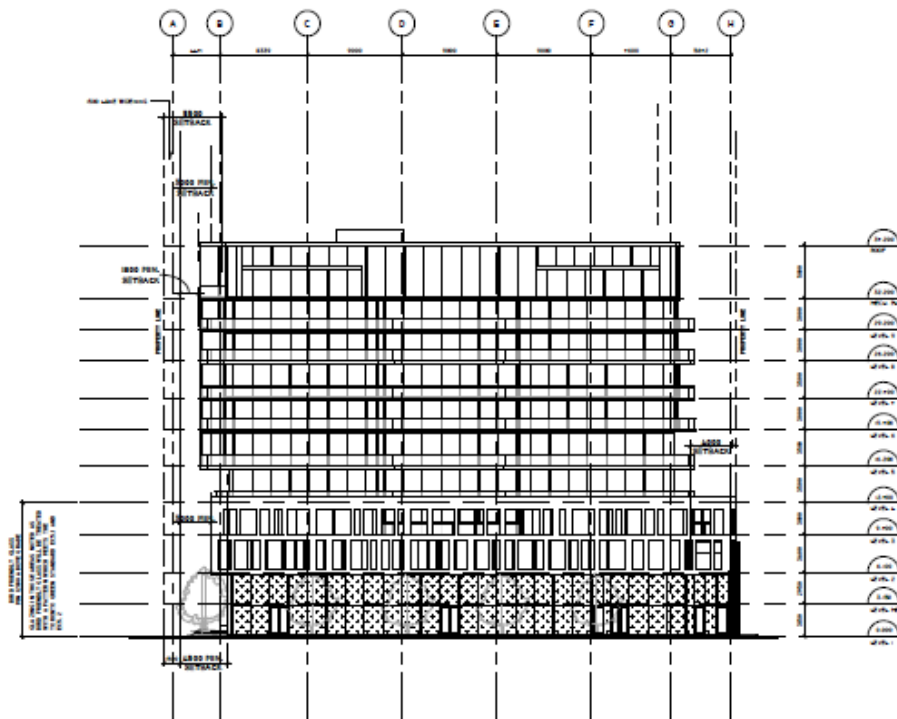
SOUTH ELEVATION

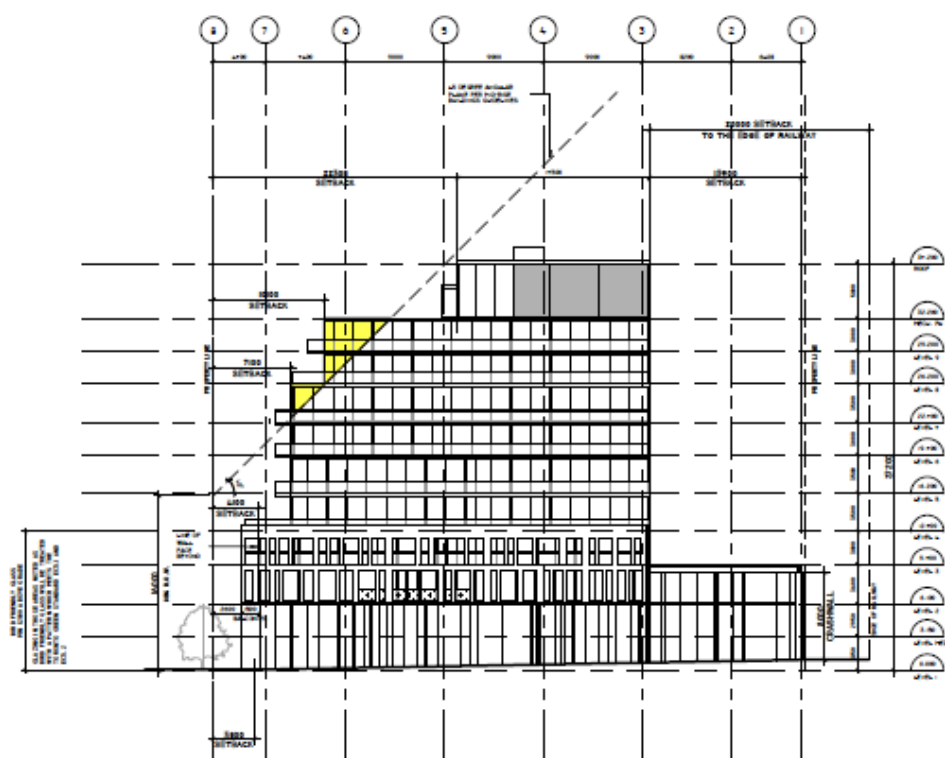
1 : 200

CORE

500 DUPONT ST
517 Adelaide St. West Suite 200
Toronto ON Canada M5T 1P9
Tel: 416 545 5457
Fax: 416 545 5457
info@coreinc.com
www.coreinc.com

A401





EAST ELEVATION

1: 399

CORE

CONC. INCORPORATION INC.
217 Adelaide St. West Suite 800
Toronto ON Canada M5H 1P9
Tel: 416 545 5433
Fax: 416 545 5431
info@concreteinc.com
www.concreteinc.com

A402

WITHOUT PREJUDICE

500 DUPONT ST
TORONTO ON

15-123

DATE	DESCRIPTION
15-123	15-123
15-123	15-123
15-123	15-123
15-123	15-123

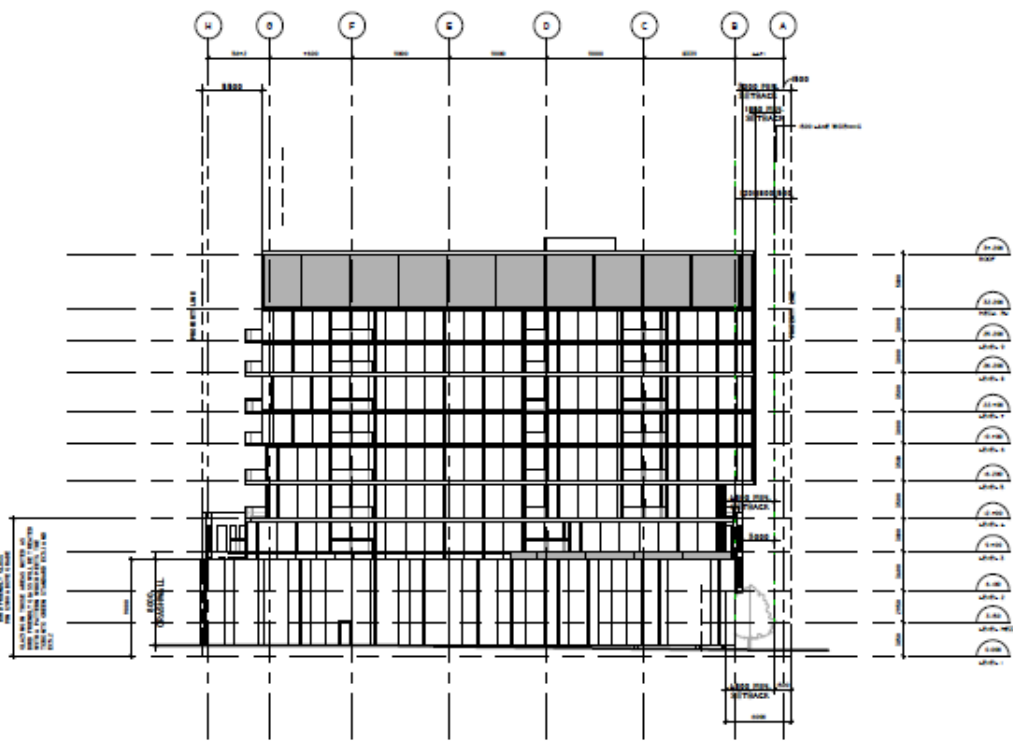
NORTH ELEVATION

1 : 300

CORE

500 DUPONT ST
507 Adelaide St West Suite 200
Toronto, ON Canada M5T 1P9
Tel: 416-945-0400
Fax: 416-945-0401
info@coreinc.com
www.coreinc.com

A403



500 DUPONT ST
TORONTO ON
M5G 1B9

DATE: 10/10/15
BY: [Signature]

SOUTHWEST VIEW

CORE

CORE CONSTRUCTION INC.
217 Adelaide St West Suite 400
Toronto ON Canada M5H 1P9
Tel: 416 545 5457
Fax: 416 545 5457
info@coreconstruction.com
www.coreconstruction.com

A500



WITHOUT PREJUDICE

500 DUPONT ST
TORONTO ON
M5G 1S2

DATE: 10/10/15
PROJECT: 10/10/15

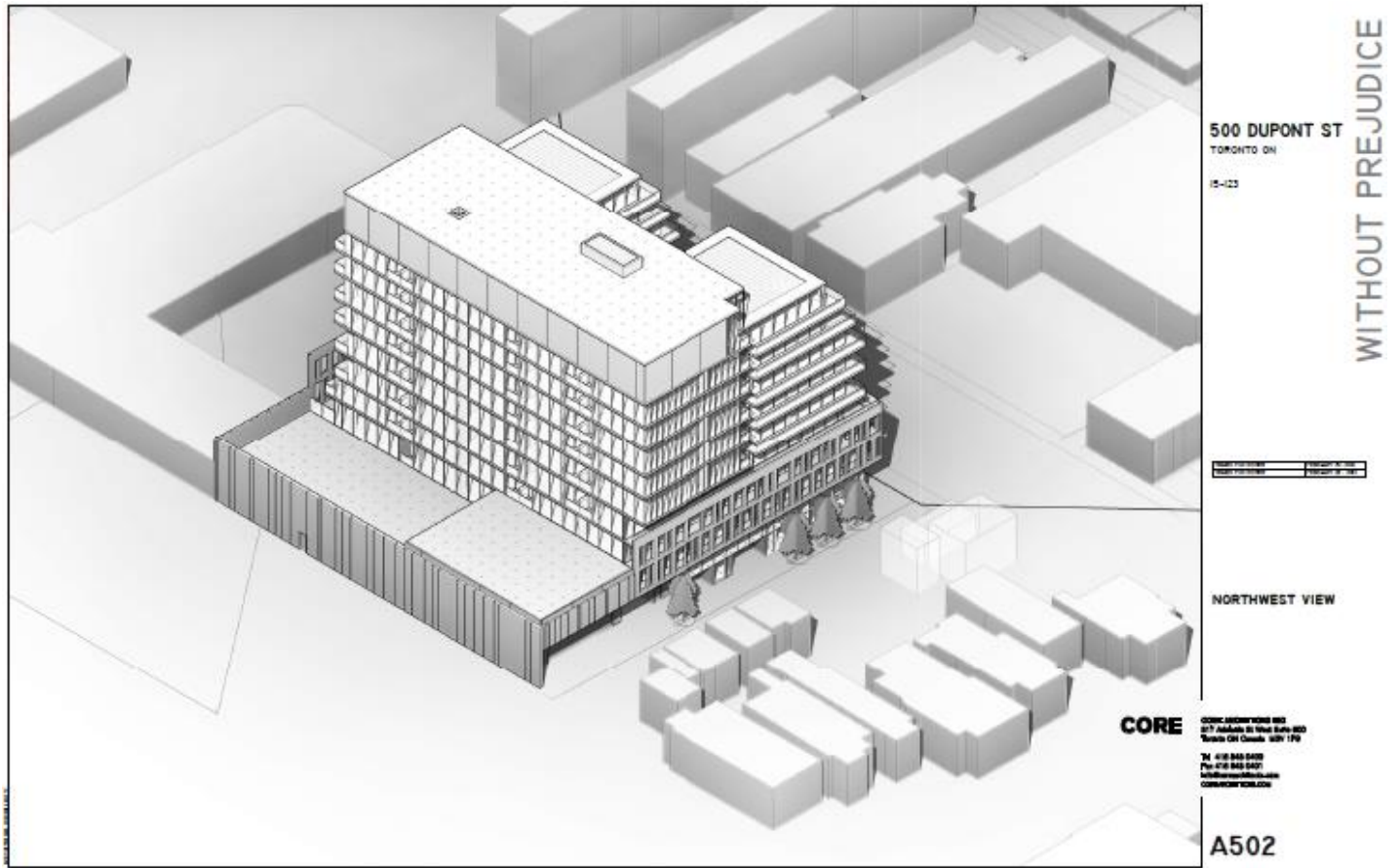
SOUTHEAST VIEW

CORE

500 DUPONT STREET
TORONTO ONTARIO M5G 1S2
TEL: 416 593 5400
FAX: 416 593 5401
WWW.CORETOWER.COM

A501







500 DUPONT ST
TORONTO ON
M5G 1B2

Scale: 1:1000

NORTHEAST VIEW

CORE
CORE ARCHITECTURE INC.
217 Adelaide St. West Suite 200
Toronto, ON Canada M5H 1P9
Tel: 416 593 5400
Fax: 416 593 5401
info@corearchitect.com
corearchitect.com

A503

WITHOUT PREJUDICE

AIRD & BERLIS LLP

Barristers and Solicitors

Eileen P. K. Costello
Direct: 416.863.4740
E-mail: ecostello@airdberlis.com

March 1, 2016

VIA EMAIL

Our File No.: 120879

CONFIDENTIAL AND WITHOUT PREJUDICE

Ms. Abbie Moscovich
Solicitor - Planning & Administrative Tribunal Law
City of Toronto
Legal Services
26th Floor, Metro Hall
55 John Street
Toronto, Ontario M5V 3C6

Dear Ms. Moscovich:

**Re: OMB File No. PL141134
Dupont Street (OPA 231, OPA 271 and By-law 1011-2014)
Without Prejudice Settlement Offer in respect of 650 Dupont Street**

As you are aware, Aird & Berlis LLP represents Loblaw Properties Limited and CP REIT Ontario Properties Limited, the tenant and owner respectively of the property located at 650 Dupont Street.

The application of the current Official Plan Amendment 271 and Zoning By-requirements results in the significant limitation of the infill and redevelopment uses on the site. The attached diagram of the site illustrates that not only does the proposed split designation (Employment/Mixed Use) and split zoning bisect the existing food store, but that the imposition of the proposed rail setback and berm requirement would sterilize the site. When the proposed rail setback designation and berm requirement are taken into consideration with the split zoning and zoning requirements along Dupont Street, it leaves a very long and narrow strip of property that is not possible to be effectively redeveloped or intensified. In our respectful submission, prohibiting the intensification of the site until a wholesale redevelopment of the site occurs (*i.e.*, with the removal and replacement of the existing food store) is not good planning.

Alternatively, allowing for interim intensification along the Dupont Street frontage in the form of small retail/commercial pads by way of example, would allow for a decrease in the amount of frontage attributed to asphalt/parking, animate the street and provide additional employment opportunities on the site. We believe that this type of interim intensification is wholly consistent with the objectives of both OPA 231 and OPA 271 as they relate to employment within the City.

March 1, 2016

Page 2

Both myself and Jonathan Rodger, of Zelinka Priamo Ltd., have been engaged in the OMB process, including mediation with the City and other land owners in respect of our clients' appeals as they relate to the above-noted instruments. Specifically, our clients' interest in respect of its appeals are as follows:

1. to recognize the existing commercial operation and to permit reasonable expansions thereof;
2. to ensure maximum flexibility in the range of permitted uses on the site including within proximity of the rail corridor;
3. to ensure the ability to introduce interim in-fill development of retail and commercial uses on the site without triggering the need for additional rail safety measures, especially given the current location of the food store immediately adjacent to the rail corridor;
4. ensure interim relief from certain built form standards to allow for interim development (*i.e.*, relief from the 10.5 metre height minimum);
5. recognize the existing density provisions in the current applicable Site and Area Specific Policy (SASP) 212; and
6. address the inconsistencies and conflicts in the proposed split designation and split zoning that currently bisects the existing food store, which would unduly complicate the existing food store operation and any infill development on this site.

Accordingly, our clients' settlement offer it to propose the following:

- a) a Site Specific Official Plan Amendment (in the form of a SASP that builds on the policies in OPA 271 and existing SASP 212); and
- b) a Site Specific By-law that would replace the existing Site Specific By-law 1994-0654 applicable to the property, recognizing minor variances granted historically on the property (*i.e.*, for the maximum non-residential gross floor area, number and type of loading spaces, as well as for canopy encroachments) and provide direction and permissions with respect to how the split designation would be interpreted as it relates to both to the current food store and to interim development on the site.

A basic set of terms that we propose to address in the Site Specific Instruments are attached as Schedule "A" to this letter.

We request that you seek direction from Council to permit staff to continue negotiations with our clients in accordance with the above and the attached terms in order to develop a SASP as well as a modified and updated Site Specific By-law for the property.



AIRD & BERLIS LLP
Barristers and Solicitors

March 1, 2016

Page 3

We look forward to working with you in reaching full settlement on this matter.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello

EPKC/lm

Encl.

- c. Kathy Kakish, CP REIT Ontario Properties Limited
- Joseph Cimer, The Grand Circus
- Mario Fatica, Loblaw Properties Limited
- Jonathan Rodger, Zelinka Priamo Ltd.

25247455.2



AIRD & BERLIS LLP
Barristers and Solicitors

SCHEDULE "A"

WITHOUT PREJUDICE SETTLEMENT OFFER

General – OPA 271

- Ensure the provisions of OPA 271, as they may be amended through the on-going OMB mediation process, apply to the site (i.e. 9 storey height limit and 20m setback from the railway).
- Provide permission for a full range of retail and commercial uses within the 20 metre rail setback.
- Implement the modifications proposed in Appendix C to the Joint Mediation Brief dated January 21, 2016 as to the language in OPA 271 in order to ensure further clarification and more flexibility with respect to those policies.

SASP for 650 Dupont Street – To Guide Interim Intensification

- Provide appropriate specific policy language to guide interim intensification on the site (i.e. prior to "redevelopment") while ensuring that, in the event of redevelopment of the entire site (i.e. including the demolition of the food store) that the general policies in OPA 271 would apply.
- Recognize the existing density permissions on the property, including in respect of Policy 3.3 as to the permitted non-residential gross floor area of the existing food store (supermarket) by way of minor variance (A0419/07TEY).
- Address the existing built form of the food store and existing site plan and provide appropriate policies to guide interim intensification (i.e. Policy 3.4, 5.4)
- Clarify the term "redevelopment", including but not limited to:
 - Policy 4.1 and the relationship to By-law 1011-2014, Section 1.(k) Net Gain in Non-Residential Uses;
 - Policies 8.2-8.4 to allow for interim intensification along the Dupont Street frontage without triggering the need for the introduction of railway safety measures.

Site Specific By-law for 650 Dupont Street

- Build on the existing permissions within By-law 1011-2014 (to be amended), including with respect to a height limit of 9 storeys and a requirement for a 20 metre rail setback.
- Exemption from the maximum of 1,500 square metres of total residential gross floor area.

- Maintain the existing permissions for the property including those found in Site Specific By-law 1994-0654, which permits the existing food store (supermarket).
- Include permissions obtained by way of minor variance (*i.e.*, for the maximum non-residential gross floor area and number and type of loading spaces (A0419/07TEY) as well as for canopy encroachments (A-960-95).
- Address the proposed split zoning of the site in order to permit the retail and commercial uses presently on the site and allow for interim intensification on the site.
- Exemption from the 10.5 metre minimum height of any new building requirement.
- Clarification with respect to the regulation Section 1.(k) Net Gain in Non-Residential Uses in terms of infill development.
- Relief from the 90 metre maximum building width as the store is approximately 96 metres wide along the Dupont Street Frontage.

It is recognized that, in the event of a "redevelopment" of the site (*i.e.* removal of the food store) then a rezoning application would seek a new site specific by-law to provide for the redevelopment of the site. In that circumstance, the provisions of OPA 271 would guide the evaluation of such an application.

25253188.1