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File No. 703149

**WITHOUT PREJUDICE**

May 11, 2018

**By E-Mail Only to *Abbie.Moscovich@toronto.ca***

Ms. Abbie Moscovich  
Solicitor  
City of Toronto Legal Services  
26<sup>th</sup> Floor, Metro Hall  
55 John Street  
Toronto, Ontario  
M5V 3C6

Dear Ms. Moscovich:

**Re: Appeal of Mimico Judson Secondary Plan (“OPA 331”) – Updated Offer to Settle  
John and Teresa De Zen  
OMB Case No. PL160692**

We are counsel to John and Teresa De Zen, the owner of the lands known as 21, 23, 25 and 31 Windsor Street and 18 Buckingham Street (the “De Zen Lands”). Following our recent meeting on Tuesday, May 8 we have been instructed to provide you with this revised offer to settle.

The purpose of this letter, including the attachments, is to set out a framework upon which our clients propose to settle their appeal against OPA 331. You have advised us that you will be preparing a confidential report to Council which you intend to present to Council at its meeting of May 24 and 25 to seek instructions on this matter.

Appended to this letter are the following documents:

1. A revised conceptual site plan demonstrating how the De Zen Lands can be developed in accordance with the designation of *Mixed Use Areas* sought by our clients. We anticipate that the conceptual site plan could form the basis of a general block plan that may be attached as a schedule to OPA 331;
2. A series of proposed modified and additional policies for inclusion in OPA 331 designed to facilitate an appropriate mixed use development on the De Zen Lands. The proposed policies would provide for a maximum residential and

minimum non-residential gross floor area at full build out and as depicted on the plans. The proposed policy framework, in conjunction with the conceptual site plan/block plan, is intended to address the general deployment of uses and buildings on the De Zen Lands as well as phasing of the development. Additional policies have been included to address laneways located within the De Zen Lands and the relationship of the proposed development to the adjacent existing industrial uses (namely Portuguese Cheese);


3. A series of proposed environmental policies designed to ensure compatibility of the proposed mixed use development with the adjacent Portuguese Cheese facility and other noise and odour-producing industrial uses nearby. Our clients' acoustical engineering consultant has reviewed these proposed policies and advised that they would ensure the feasibility of residential development on the De Zen Lands by providing sufficient mechanisms for future implementation of mitigation measures to protect the nearby industrial uses. Additionally our client recognizes that its lands (Block A1) will be designated as a Class 4 land use subject to a City condition that noise mitigation be implemented to a Class 1 or similar standard as required by the City under NPC 300. and;
4. A report from our clients' air (odour) emissions consultant confirming that, based on an analysis and dispersion modeling of chemicals used at the Portuguese Cheese facility, mixed-use development on the De Zen Lands is feasible from an emissions perspective;

I am also sending via a separate e-mail a dropbox link which includes massing concepts and shadow studies which were requested by the City planner. Given the size of those files I have not attached them to this letter but they should be of assistance to the City in assessing this offer.

Based on our recent discussions we have agreed that any necessary amendments to the implementing documents, including the Secondary Plan land use maps and schedules can be co-operatively worked out between us, subsequent to an acceptance by Council of the proposed settlement. Should you have any additional questions or if you require any additional information in order to facilitate the production of your confidential report to Council, do not hesitate to contact me and/or Kate Fairbrother at my office.

I am also sending via a dropbox link massing concepts and shadow studies which were requested by the City planner. Given the size of those files I have not attached them to this letter but they are of assistance in the City assessing the offer.

Yours truly,  
**DAVIES HOWE LLP**



John M. Alati

encls.

copy: Client  
J. Lethbridge, Lethbridge Planning