

CC43.18 - CONFIDENTIAL ATTACHMENT 2 - made public on July 9, 2018

PROPOSED TERMS OF SETTLEMENT RE: 49 SPADINA AVENUE

1. The drawings provided by Aird & Berlis dated May 31, 2018 will be used to constrain building dimensions including height, setbacks and stepbacks.
2. The mechanical element located on top of the existing heritage structure will be no larger than depicted in the drawings submitted to the City, and will be reduced in size to the greatest degree possible through further review. Portland Property Spadina Inc. agrees to explore further refinements to the proposed footprint, height, and materiality of this mechanical penthouse through site plan application or other process in order to ensure that any negative visual impacts are appropriately mitigated.
3. Portland Property Spadina Inc. agrees to make a section 37 contribution in the amount of \$350,000 to be directed to public realm or park improvements in the immediate area.
4. Portland Property Spadina Inc. agrees that the LPAT Order will be withheld pending the following:
 - a. Determination of the final form of the Zoning By-law
 - b. Finalization and execution of the section 37 agreement
 - c. Receipt of an acceptable Functional Servicing Report, Groundwater Report, Stormwater Management Report and Hydrogeological Report satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services (using wording previously agreed to and captured in the Aird & Berlis letter, filed on consent to the LPAT dated May 4, 2018).
 - d. Toronto Preservation Board has considered and Toronto City Council has made a decision whether to designate the heritage building under Part IV of the OHA. In the event the building is designated, the Order will also be withheld until an appropriate alteration permit has been granted to permit the construction of the development. Both of these matters would be addressed during the same meeting of TPB and City Council and in Q1 of 2019. Portland Property Spadina Inc. agrees to not object to the designation.
 - e. Receipt of conservation plan acceptable to the City and the execution and registration of a heritage easement agreement.
5. City Staff will report on the rezoning application to the June meeting of City Council. Portland Property Spadina Inc. will agree that in reporting to the June, 2018 Council meeting if any situation arises that results in Council not being able to consider the

report, or in the event the City Solicitor is given instruction to oppose the application, a contested hearing will not proceed in the currently scheduled hearing time.

6. Putting aside the contingency in the last point, the parties will attend at the LPAT during the scheduled dates to present the settlement to the Tribunal. The City will indicate support of the revised application.

7. City Staff will process and consider site plan materials filed by Portland Property Spadina Inc. in advance of the release of the LPAT Order and during the Council hiatus.