

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



Direct Line: (416) 601-7634
Direct Fax: (416) 868-0673
Email: cmacdoug@mccarthy.ca

July 12, 2018

Via Email

With Prejudice

City of Toronto
c/o Amanda Hill
26th Floor - Metro Hall
55 John Street
Toronto ON M5V 3C6

Dear Sirs/Mesdames:

**Re: Settlement Offer
33 and 37 Parliament Street
2547575 Ontario Inc.
LPAT Case No. PL180112 and PL170943 (OPA 304)**

We are the solicitors acting on behalf of 2547575 Ontario Inc. (the "Company"), the owner of the lands municipally known as 33 and 37 Parliament Street in the City of Toronto (the "Lands").

On behalf of the Company, we are writing to propose the settlement of the above captioned appeals on the basis that:

1. The Company and the City of Toronto will jointly request that the Local Planning Appeal Tribunal (the "Tribunal"), at a Settlement Hearing (on a date to be scheduled by the Tribunal), approve official plan and zoning by-law amendments in respect of the Lands which would permit the construction and use of a mixed-use building substantially in accordance with the settlement plans prepared by Architects Alliance Inc., dated June 29, 2018 and attached hereto (the "Settlement Plans"), subject to modifications to the ground floor substantially in accordance with the Settlement Plans if necessary in order to provide public pedestrian access to the privately-owned, publicly-accessible open space (POPS) required by Item 2(h)(D) below (the "Proposed Development") to the satisfaction of the Chief Planner and Executive Director, City Planning, and subject to the following:
 - (a) the development shall include the following components:
 - (i) a tower form building having a maximum height of 32 storeys (plus mechanical penthouse) and a maximum height of 102.0 metres (inclusive of mechanical penthouse), excluding an elevator overrun (with a maximum height of 3 metres) sized and located to minimize any shadow impacts satisfactory to the Chief Planner and Executive Director, City

Planning, and other elements set out in paragraph 1.(a)(v), and a maximum floor plate of:

- A. 770 square meters gross construction area (not including balconies) for floors 10 to 30; and
 - B. 640 square metres gross construction area (not including balconies) for floors 31 to 32;
- (ii) a 5 storey north-south oriented base building along Parliament Street with a maximum height of 19 metres, not including elements set out in paragraph 1.(a)(v);
 - (iii) a 7 storey component at the corner of Parliament Street and Distillery Lane with a minimum setback of 3 metres above the 5 storey base building from Parliament Street and Distillery Lane, subject to a 9 storey projection as shown on the Plans, where the 7 storey component has a maximum height of 25 metres, not including elements set out in paragraph 1.(a)(v);
 - (iv) a 9 storey east-west podium building with a maximum height of 31.5 metres, not including staircase enclosure to the satisfaction of the Chief Planner and Executive Director, City Planning, and other elements set out in paragraph 1.(a)(v); and
 - (v) parapets, railings, terrace dividers, an outdoor pool and other structures related to outdoor amenity areas, mechanical flues, window washing equipment, architectural features etc., may project beyond the height limits identified in paragraphs 1.(a)(i) to (iv) above subject to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- (b) balcony projections of up to 1.5 metres in depth are permitted on the north, east and south facing elevations of the tower starting on the 8th storey, no balcony projections shall be permitted on the west-facing elevation of the proposed tower, the 9-storey east-west podium building and the 5-storey base building;
 - (c) maximum gross floor area of 35,500 square metres;
 - (d) a minimum of 3.5 square metres per dwelling unit of residential amenity space (indoor and outdoor) of which a minimum of 40 square metres of outdoor amenity space will be directly accessible from an indoor amenity area;
 - (e) parking spaces will be provided at the following minimum rates:
 - A. .50 parking spaces per dwelling unit;
 - B. .1 parking spaces for residential visitor;

- C. 1 parking spaces per 100 square metres of non-residential gross floor area (in accordance with By-law 569-2013); and
- D. the parking spaces provided for residential visitors and for the non-residential gross floor area may be provided as *public parking*; or

alternatively, at such lesser rates satisfactory to the General Manager, Transportation Services if supported by a Transportation Impact Report Addendum as specified in paragraph 2(f);

- (f) the provision of bicycle parking in accordance with the applicable minimum ratios under By-law 569-2013; and
 - (g) the provision of a minimum of 10% of the residential dwelling units within the Proposed Development as three-bedroom dwelling units and a minimum of 25% of the residential dwelling units within the Proposed Development as two-bedroom dwelling units;
2. Prior to the issuance of the final Tribunal Order:
- (a) the Company shall prepare a revised Functional Servicing Report, a revised Stormwater Management Report and revised Hydrogeological Assessment to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services;
 - (b) the Company shall enter into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to support the development, according to the Functional Servicing Report accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;
 - (c) the Company shall prepare a Pedestrian Wind Study Addendum to the satisfaction of the Chief Planner and Executive Director, City Planning Division with a more detailed wind study to be completed at the site plan approval stage, where such additional study shall be secured in the section 37 agreement as a matter of legal convenience;
 - (d) the Company shall prepare a Noise and Vibration Impact Study Addendum to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Manager, Rail Corridor Management Office, Metrolinx;
 - (e) the Company shall submit an Archaeological Monitoring and Mitigation Strategy to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - (f) the Company shall prepare a Transportation Impact Report Addendum to the satisfaction of the General Manager, Transportation Services which shall include a parking study including a parking utilization survey of a proxy site(s) in support of a reduction of the vehicular parking ratios, satisfactory to the General Manager, Transportation Services;

- (g) the Province shall have approved Official Plan Amendment 394 or, alternatively, the Province shall have confirmed that it has no objections to the Proposed Development; and
- (h) the Company shall enter into an Agreement with the City pursuant to Section 37 of the *Planning Act*, which secures, among other things:
 - A. a cash contribution in the amount of \$2,850,000 towards capital facilities within proximity of the Property, with the allocation of such funds to be allocated to be determined between the Company and the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, payable prior to the issuance of the first Above-Grade Building Permit;
 - B. the payment amount referred to in (i) above shall be increased by upwards index in accordance with the Apartment Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication No. 327-0058, or its successor, calculated from the date of the Section 37 Agreement to the date such payment is made;
 - C. in the event the cash contribution referred to in (A) above has not been used for the intended purpose(s) within three (3) years of the zoning by-law coming into force and effect, the cash contribution may be redirected for another purposes(s), provided that the purposes(s) is identified in the Toronto Official Plan and will benefit the community in the vicinity of the Property; and
 - D. the following matters are to be secured as a legal convenience to support the development:
 - a) the provision by the Company of a privately-owned, publicly-accessible open space easement to the City for nominal consideration ("POPS") with a minimum area of 300 square metres adjacent to an outdoor patio area(s), subject to temporary closures of the POPS on terms and conditions and to include POPS signage as per City guidelines satisfactory to the Chief Planner and Executive Director, City Planning and permitted encroachments, the details of which are to be secured as part of the site plan approval;
 - b) the Proposed Development will incorporate a curtain wall or glazing system on the west facing wall of the tower above the podium levels, the details of which shall be secured as part of the site plan approval process, to the satisfaction of the Chief Planner and Executive Director, City Planning;

- c) the provision by the Company of a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning, prior to the issuance of site plan notice of approval conditions;
- d) the provision by the Company of landscape plans as part of the site plan approval process that include the provision of street trees and landscaping along Parliament Street and along the proposed driveway, where appropriate, and paving on the private driveway that complements the character of the Distillery District to the satisfaction of the Chief Planner and Executive Director, City Planning;
- e) prior to the issuance of the first Above-Grade Building Permit, the Company shall retain a consultant archaeologist, licensed by the Ministry of Tourism, Culture and Sport, under the provision of the *Ontario Heritage Act* to carry out a program of archaeological monitoring to occur when bulk excavation approaches an elevation of approximately 76 metres ASL to ensure that any remains of the 1859 Gooderham and Worts Parliament Street wharf and any other lakefill engineering systems that may be present are documented. During preliminary site work, the site should be visited regularly by the consultant to inspect the progress of the perimeter shoring and any other soil removals processes to the satisfaction of the Senior Manager, Heritage Preservation Services;
- f) the provision by the Company of the relevant assessment reports from the consultant archaeologist identified in e) above to the City in both hard copy format and digital format prior to the issuance of the first Above-Grade Building Permit;
- g) prior to the issuance of the first Above-Grade Building Permit, the Company shall incorporate any significant archaeological resources and findings into the proposed development through in situ preservation and interpretation where feasible, or will be commemorated and interpreted through exhibition development on site including, but not limited to commemorative plaquing to the satisfaction of the Senior Manager, Heritage Preservation Services;
- h) the provision by the Company of pet friendly amenities within its indoor and/or outdoor amenity areas as part of the Proposed Development, to be secured as part of the site plan approval process, to the satisfaction of the Chief Planner and Executive Director, City Planning;

- i) for any periods where pedestrian access cannot be accommodated on Distillery Lane, the Company shall ensure that all non-residential uses and POPS fronting on Distillery Lane will have pedestrian access to Parliament Street or the private driveway on the south side of the Lands to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - j) the Company agrees to explore the possibility of providing knock-out panels or other means to connect the underground parking garage of the Proposed Development with existing and/or planned underground parking garages on adjacent sites, and to consolidate loading and driveway accesses, to be secured as part of the approved plans in the site plan application, to the satisfaction of the Chief Planner and Executive Director, City Planning;
3. City Council direct Staff to request the Tribunal to approve such modifications, if any, or otherwise provide such relief as may be necessary to Official Plan Amendment No. 304, the future Downtown Secondary Plan and any other City instruments in order to permit the Proposed Development to be constructed in a manner that implements the terms of this settlement;
4. The Company will not object to modifications to Official Plan Amendment 304 satisfactory to the Chief Planner and Executive Director, City Planning Division in order to implement this settlement; and
5. City Staff will bring forward a report to City Council at its meeting scheduled to commence on July 23, 2018, recommending that City Council accept the settlement in accordance with the terms set out herein.

This proposed settlement is conditional on City Council accepting this proposal at the City Council meeting scheduled to commence on July 23, 2018.

Should you require further information please do not hesitate to contact the undersigned.

Yours truly,

McCarthy Tétrault LLP



Cynthia A. MacDougall

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