

AIRD BERLIS

Patrick J. Harrington  
Direct: 416.865.3424  
E-mail: pharrington@airdberlis.com

**WITHOUT PREJUDICE AND CONFIDENTIAL**

July 16, 2018

Our File No.: 134507

BY EMAIL AND DELIVERY

Sharon Haniford  
Solicitor, Planning & Administrative Tribunal Law  
Legal Services  
City of Toronto  
26<sup>th</sup> Floor, Metro Hall  
55 John Street  
Toronto, ON  
M5V 3C6

Dear Ms. Haniford:

**Re: Without Prejudice Settlement Offer  
OPA 349 and By-law 1283-2016  
LPAT File Nos.: PL170103 and PL170104  
570-576 Bloor Street West**

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We act on behalf of 2538779 Ontario Inc. ("2538779"), the owner of 570 Bloor Street West and who additionally has an interest in pursuing the acquisition and consolidation of neighbouring properties 572, 574 and 576 Bloor Street West, all of which are located on the north side of Bloor Street, between Markham Street and Bathurst Street in the City of Toronto (the "Property").

On December 13, 2016, City Council adopted Official Plan Amendment No. 349 ("OPA 349") and passed By-law 1283-2016, which instruments apply to the Bathurst Bloor Character area. The Property is located within the Bathurst Bloor Character area.

Our client appealed Council's adoption of OPA 349 and passing of By-law 1238-2016 on January 4, 2017. On February 22-23, 2018, our client participated in mediation led by the Ontario Municipal Board together with the City and other stakeholders, including local ratepayers' groups.

In an effort to resolve these appeals, our client has continued without prejudice settlement discussions with City staff and the local ratepayer groups following the formal Board led mediation. Based on those discussions, we are writing to set out the terms of an offer, made on a without prejudice basis, for the settlement of the above-noted appeals. Our client proposes a settlement on the following terms:

1. OPA 349 will be amended by inserting policy 9.8 to apply specifically to 570, 572, 574 and 576 Bloor Street West, which is attached to this letter.
2. 2538779 shall withdraw its appeal of By-law 1238-2016.
3. The City and 2538779 shall ask to the Tribunal to convert the October 19, 2018 pre-hearing conference into a settlement hearing.

This without prejudice offer is conditional on acceptance by City Council at its meeting commencing on July 23, 2018. If accepted by City Council at that time, the terms of this offer may be made public.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Patrick J. Harrington

PJH/MTB

cc: Client  
Craig Hunter  
Graig Uens

encl. Revised OPA 349 Policy Language

33161791.1

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9.8 570, 572, 574, and 576 Bloor Street West

9.8.1 In addition to the preceding policies contained in Section 9.0 - 9.6 for the Bathurst Bloor Character Area, the following policies in Section 9.8 apply specifically to the properties known municipally on January 1, 2018, as 570, 572, 574, and 576 Bloor Street West. In instances where there is inconsistency between the preceding policies in Section 9.0-9.6, the policies below will prevail.

**Height & Angular Planes**

9.8.2 Development will achieve appropriate transition in building height and massing and the stepping down of heights toward the adjacent lands designated as *Neighbourhoods*.

9.8.3 Development will only be permitted:

9.8.3.1 Beneath a 45-degree angular plane measured from grade at the north property line of the adjacent Toronto Transit Commission property known municipally on January 1, 2018, as 655 Markham Street;

9.8.3.2 Beneath a 45-degree angular plane measured from a height of 16 metres along the Bloor Street property line;

9.8.3.3 Beneath a 45-degree angular plane measured from grade along the west property line of Markham Street; and,

9.8.3.4 Illustrations of the foregoing height limits are provided in Schedule H – Built Form, except that the maximum streetwall height of a building on Bloor Street and Markham Street may be 4 storeys or 14.5 metres and the minimum building setback above that shall be 3 metres.

9.8.4 Notwithstanding Section 9.8.3.2 and 9.8.3.3, encroachments into the prescribed angular planes may be considered through an application to amend the Zoning By-law, provided that it is demonstrated through a planning and urban design rationale that the encroachments have an appropriately limited impact with regard to additional incremental shadowing of the public realm and diminishing of sky view associated with the form and scale of development, and that the extent of any building encroachments into angular planes will be limited to a maximum of two storeys, and may also include portions of the mechanical penthouse.

## **Additional Built Form Policies**

- 9.8.5 Development fronting Bloor Street West and fronting or flanking Markham Street will include building articulation, windows and entrance locations that reference the prevailing pedestrian shopping characteristics of these streets.
- 9.8.6 The ground floor at the street edge on the Bloor Street, Bathurst Street, and Markham Street frontages shall be used exclusively as Pedestrian Shopping Areas designed as safe and comfortable for pedestrians and providing opportunities for small businesses with residential, retail, office or services uses above. Residential uses, except for residential lobby entrances, will not be permitted on the ground floor street frontages.
- 9.8.7 The scale of retail, personal service, and service commercial spaces located on the ground floor should generally maintain the scale and rhythm of existing storefronts on the streets by providing a minimum of 3 distinct retail spaces located on the ground floor, within a development that includes each of the properties at 570, 572, 574, and 576 Bloor Street West, with dimensions of these retail spaces to be secured through an application to amend the Zoning By-law.
- 9.8.8 The Bloor Street West frontage and the Markham Street frontage will be active commercial spaces and be enhanced with soft landscaping, sitting areas, including patio spaces, and/or greening of public space.
- 9.8.9 Development of any portion of the properties at 570, 572, 574, and 576 Bloor Street West will provide adequate separation to the east by providing a minimum 5.5 metre setback above a height of 4 storeys abutting the east property line.
- 9.8.10 As illustrated on Schedule F – Public Realm and Pedestrian Improvements, opportunities for enhanced landscaping around the existing TTC station and to improve pedestrian connectivity between Markham Street and Bathurst Street may be sought through an application to amend the Zoning By-law.
- 9.8.11 The maximum height of a development of the properties at 570, 572, 574, and 576 Bloor Street West, whether developed individually or jointly, will be 10 storeys, not including the mechanical penthouse and rooftop mechanical equipment and outdoor amenity space.

## **Residential Units**

- 9.8.12 A development of the properties at 570, 572, 574, and 576 Bloor Street West, either individually or jointly, will provide a minimum of 10 percent of the total number of residential units having a minimum of three bedrooms and an additional 20 percent of the total number of residential units having two bedrooms.