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July 17, 2018

Our File No.: 137093

WITHOUT PREJUDICE SETTLEMENT OFFER

BY EMAIL

Ms. Wendy Walberg, City Solicitor
City of Toronto Legal Services
Planning & Administrative Tribunal Law Section |
55 John Street
26th Floor Metro Hall
Toronto, ON
M5V 3C6

Attention: Mr. Mark Piel & Mr. Daniel Elmadany:

Re: 572 Church Street – LPAT Appeal of OPA & ZBLA Applications

Please be advised that Aird & Berlis LLP represents Church Welldun Developments Limited, the owner and applicant in respect of the above noted matter. Following recent productive meetings with City staff the purpose of this correspondence is to provide a without prejudice settlement offer to the City for consideration by Council at the July 23, 24, and 25, 2018 meeting.

For greater certainty, the settlement would be comprised of:

1. approval of the enclosed plans being the plans dated July 6, 2018 which illustrate a twelve (12) storey (plus mechanical) storey building substantially within the angular plane as illustrated in the attached plans save and except for a 1.2 m protrusion into the angular plane for an elevator overrun at both the 10th and 11th storeys, a protrusion into the angular plane for the purpose of a stairwell at the 11th storey, and minor protrusions for balcony railings;
2. approval of the enclosed site specific OPA which provides for the above site specific and limited protrusions into the angular plane; and
3. approval of the zoning by-law amendment application substantially in accordance with the July 6, 2018 plans, and our client acknowledges and agrees that:
 - i. the built form to be permitted by the zoning by-law amendment to be brought forward to the Local Planning Appeal Tribunal shall be substantially in accordance with the July 6, 2018 plans, subject to modifications as may be permitted by and to the satisfaction of the Chief Planner and Executive Director, City Planning, in his sole discretion; and
 - ii. the built form to be permitted by the zoning by-law amendment to be brought forward to the Local Planning Appeal Tribunal shall not permit new net shadow on

the parkland that is a part of 519 Church Street as required by policy 5.7.3 of Site Area Specific Policy 382.

As this matter is before the Tribunal we would propose that, assuming the City Council endorses the settlement offer herein, our client and the City would jointly request a settlement hearing date from the Tribunal. Our office would be responsible for issuing notice and all costs associated with the notice and would enclose the settlement package and terms as agreed upon with the notice.

The parties would jointly request the Tribunal to withhold its final Order until the following items are addressed:

1. the final form and content of the Official Plan Amendment and the Zoning By-law Amendments are satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning;
2. the Owner:
 - i. provides a Traffic Impact Study to the satisfaction of the General Manager, Transportation Services relating to the functionality of site circulation and turning movements;
 - ii. provides a Functional Servicing Report, Stormwater Management Report, Hydrogeological Report, and Groundwater Report (the "Accepted Reports") satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services and General Manager, Toronto Water;
 - iii. designs, and provides financial securities for, any upgrades or required improvements to the existing municipal infrastructure identified in the Accepted Reports, in the event the reports determine that improvements or upgrades are required to support the development.
3. should it be deemed necessary at the sole discretion of the City Solicitor in consultation with the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services, the Owner has entered into an agreement with the City requiring the Owner, prior to the issuance of any above-grade building permit for all or any part of the site, including for clarity, any conditional above-grade building permit, and at no cost to the City, to design, financially secure, construct and make operational, any upgrades or required improvements to the existing municipal infrastructure identified in the Accepted Reports; and
4. confirmation in writing from the City Solicitor, in consultation with the Chief Engineer and Executive Director, that the implementation of the Accepted Reports either does not require changes to the proposed amending by-laws or any such required changes have been made to the proposed amending by-laws to the satisfaction of the Chief Planner and Executive Director, City Planning, the City Solicitor and the Chief Engineer and Executive Director, Engineering and Construction Services.

We can confirm that, in the event this settlement is approved by the Tribunal our client would be prepared to request that the Tribunal grant the appeal, in part, and that the provisions of our client's OPA application, as appealed, which seek permission to cast "new net shadow" contrary

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to policy 5.7.3 of SASP 382 would no longer be necessary and our client would not object to the Tribunal dismissing that part of the appeal.

We trust that the foregoing and attached documents, which we understand to reflect the recent discussions with staff, are acceptable to the City and may form part of a recommendation report to Council for its consideration on July 23, 24, and 25, 2018. Though this letter and attachments containing the settlement offer is being provided on a without prejudice basis, our client consents to their public release following the City Council meeting in the event City Council accepts this settlement offer.

Should you require additional information or clarification with respect to the above or enclosed, please contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello
EPKC/lm

Encl.

33188839.1

Draft Official Plan Amendment for the lands municipally known as 572 Church Street
July 16, 2018

Authority: Local Planning Appeal Tribunal

CITY OF TORONTO

BY-LAW No. ~-20~

**To adopt an amendment to the Official Plan for the City of Toronto respecting the
lands known municipally in the year 2017 as 572 Church Street.**

Whereas authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto enacts:

- 1.** The attached Amendment No. ~ to the Official Plan is adopted pursuant to the *Planning Act*, as amended.

Enacted and passed on ~, 2018

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

AMENDMENT NO. ~ TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2017 AS 572 CHURCH STREET

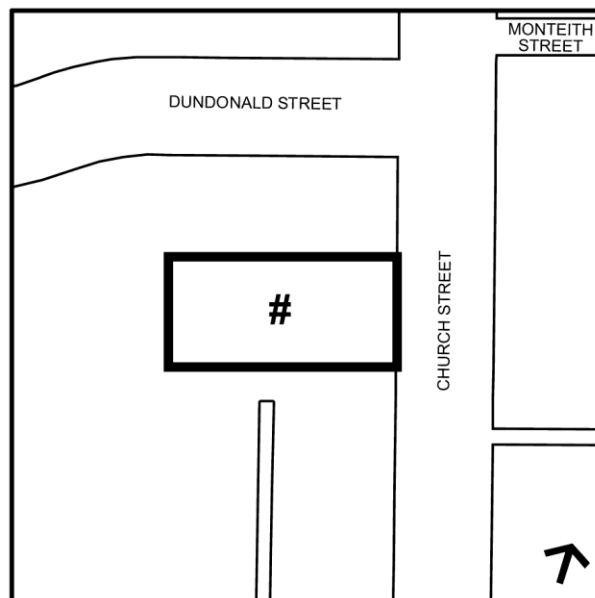
The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. XXX for the lands municipally known as 572 Church Street, as follows:

572 Church Street

Notwithstanding and despite Policy 5.7.2 of Site and Area Specific Policy No. 382, any development/redevelopment on the property municipally known in the year 2017 as 572 Church Street may be permitted to project into the 44 degree angular plane as measured from the Church Street lot line, commencing at a building height of 16 metres, for:

- a) the elevator overruns on the tenth and eleventh floors and the stairwells on the eleventh floor and mechanical penthouse floor, but only to the extent shown on Schedule A attached hereto; and
 - b) parapets, railings and dividers, on all floors, excluding the mechanical penthouse level.
2. Chapter 7, Map 29, Site and Area Specific Policies, is revised to add the lands municipally known as 572 Church Street, on the map below as Site and Area Specific Policy No. XXX.



Schedule A

