

May 3, 2019

Denise Baker
Partner
T: 416-947-5090
dbaker@weirfoulds.com

Via E-mail

File 17892.00001

Without Prejudice

City of Toronto
Planning and Administrative Law, Legal Services
Metro Hall
55 John Street
26th floor
Toronto, ON M5V 3C6

Attention: Gabe Szobel, Solicitor

Dear Mr. Szobel:

**Re: PL180020 - Tribute (McCaul Street) Limited
292-298 Dundas Street, 129 & 131 McCaul Street, and 170 St. Patrick Street,
Toronto**

We are solicitors for Tribute (McCaul Street) Limited (the “**Client**”) regarding their zoning by-law amendment application to permit a 38-storey mixed use building on their property located at 292-298 Dundas Street, 129 & 131 McCaul Street, and 170 St. Patrick Street, in the City of Toronto (the “**Property**”).

As you are aware, a rezoning application for the Property is before the Local Planning Appeal Tribunal, which has been assigned PL180020. A 10 day hearing is set to commence July 8, 2019. In an attempt to resolve all of the outstanding issues with respect to the redevelopment of the Property there have been numerous discussions regarding the development of the Property between ourselves, representatives of my Client, members of City staff, the local councillor and members of the public, which include the Grange Community Association Inc., which is a party to PL180020.

As a result of those discussions, we are pleased to submit this formal settlement offer (the “**Settlement Offer**”) to resolve the outstanding issues as between our clients and to negate the need for the contested hearing on the merits of the zoning application. Enclosed with this correspondence is a revised set of plans which is to be read together with this Settlement Offer.

Settlement Offer

The terms of the Settlement Offer are:

- Total Maximum GFA: 22,966 m²;
- Total Maximum FSI: 14.02;
- Total Maximum height of the building: 100.5m, inclusive of mechanical penthouse;
- Total number of storeys: 29;
- Limit in the size of the mechanical penthouse to a maximum 70% of the area of the tower floorplate below the roof. My Client will work with the City to refine the location and positioning of the mechanical penthouse through the site plan process;
- Total number of parking spaces: 60;
- Tower Setback (North Property Line): 0m;
- Tower Setback (West Property Line): 32.0m;
- Tower Setback (East Property Line): 3.0m;
- Tower Setback (South Property Line): 1.5m;
- Largest Tower Floor Plate (GFA) 752 m²;
- Largest Tower Floor Plate (GCA) 795 m²;
- Total Useable Park Space of 321 m², the unencumbered portion (261m²) to be conveyed to the City at the same time as the day care space is conveyed.
- Unit number and mix to be determine through market conditions however will be limited as follows
 - Minimum 10% 3-bedroom units, which will have a minimum size of 840sq.ft;
 - Minimum of 15% 2-bedroom units;

- Maximum of 15% studio units; and
- No balconies on the south elevation. Balconies on other elevations to be limited to a maximum depth of 1.5m;

129 McCaul Street

As part of the discussions with staff and representatives of the Community Association, the issue of leaving 129 McCaul Street in situ was discussed, which would result in a decrease in the amount of land that would be conveyed for use as a park. This Settlement Offer does not contemplate leaving 129 McCaul Street in situ for a number of land use planning and heritage reasons. Further, leaving 129 McCaul Street in situ is not supported by the Community Association, who have clearly expressed a preference for the park space as proposed in this Settlement Offer.

The location of 129 McCaul vis a vis the existing street corner results in an environment that is not pedestrian friendly for those using the sidewalk on the north side of Dundas or the east side of McCaul.

Further, as noted in the Heritage Impact Statement (“**HIS**”) submitted in support of the original application, the current 3-storey brick building at 129 McCaul Street has been heavily altered over time, and ...”expresses a late-19th-century commercial architectural style that is incongruous with surrounding built form”.

As well, in accordance with the HIS, the removal of 129 McCaul Street will change the Dundas Street West streetscape and will “...allow the creation of a new park, and will open up views to the principal western elevations of the listed St. Patrick’s Church and the Part IV designated Redemptorists Monastery north of the Site.”

Planning Justification for the Settlement Offer

It is our submission that the development proposed by this Settlement Offer maintains the benefits of redeveloping an underutilized site with a high quality mixed use development that achieves the provincial goals of intensification in an area designated for such intensification, while at the same time is sensitive to the surrounding context and achieves an appropriate massing transition from the proposed park and the lower rise character of Dundas Street West, west of McCaul Street, to the higher-density built form east of McCaul Street. In support of this Settlement Offer, we are including with this correspondence a planning justification addendum letter for your review and consideration.

Further, in order to assess the appropriateness of the proposed settlement, a Sun Shadow Study was prepared by G&C Architects and is enclosed with this Settlement Offer. This Study shows that the revised proposal would have minor incremental shadows on lands designated Neighbourhoods in the morning between 9:18am and 11:18am. The impacts are to 5-6 properties on the north side of D'Arcy Street on their rear yards which are largely used as surface parking areas. As such, the shadow impacts are adequately limited in accordance with the policies of the Official Plan.

Further, as noted in the enclosed planning justification addendum, the Settlement Offer ensures that there is a wealth of community benefits provided on-site including parkland, retail, community and office space, as well as a day care. Specifically, the parkland proposed to be dedicated is well in excess of the amount of land that would otherwise be required by Chapter 415 of the City's Municipal Code. Additionally, the church related community and office uses will provide much needed space for outreach and administration to support the Church's programs. The provision of this space will serve to reinforce the Parish's long standing presence within this community.

Finally, the proposed inclusion of a minimum of 10% 3 bed units in the Settlement Offer together with the on-site day care and the generous park space will create an environment that is supportive of households with children within the downtown.

Section 37

As part of this Settlement Offer, and as discussed with staff, we are proposing the conveyance of the day care space in satisfaction of any section 37 requirements owing in connection with the development of the Property in accordance with this Settlement Offer.

While we understand that the details of the section 37 Agreement would need to be worked out, it would be our expectation that the conveyance of the day care would generally be on similar terms as to the conveyance to the City of the child care facility at 19 Western Battery Road.

Additionally, we are prepared to include a cash payment of \$400,000 to be used for the temporary relocation of the existing daycare currently located on the Property, or if not required for that purpose, for any other manner in which section 37 funds are permitted to be used, at the discretion of the City. the specific details of which will be set out in a Section 37 Agreement.

Summary

It is our position that the aforementioned Settlement Offer results in a comprehensive solution to all outstanding issues as between our clients and would allow for the development of the Property in a manner that necessarily implements provincial policy while at the same time is respectful of the surrounding context. Most importantly however, it is our submission that the Settlement Offer allows for a unique opportunity for the City to achieve family friendly and community based benefits that will enhance this downtown living environment.

We look forward to hearing from you as soon as possible regarding the foregoing given the upcoming exchange deadlines we have with respect to the LPAT hearing.

Please do not hesitate to contact me should you have any questions or concerns.

Yours truly,

WeirFoulds LLP

A handwritten signature in black ink that reads "DBaker". The signature is written in a cursive, flowing style.

Denise Baker

DB/mw

cc Client