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WITHOUT PREJUDICE

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Ms. Sarah O'Connor/Mr. Daniel Elmadany
Solicitors, Planning & Administrative Tribunal Law
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55 John St.
Toronto, ON M5V 3C6

Dear Ms. O'Connor and Mr. Elmadany:

**Re: 78-90 Queen's Park, Toronto (the "Site")
Centre for Civilizations, Cultures and Cities ("CCC")
LPAT File Nos. PL200492 and PL200493**

We are the lawyers for The Governing Council of the University of Toronto ("**University**"), the owner of the Site and the appellant in the above-noted LPAT appeals. On behalf of the University, we are writing with an offer to settle the Appeal of the University's zoning by-law amendment, LPAT File No. PL200492 (the "Zoning Appeal").

Background

As you are aware, on February 22, 2019 and October 4, 2019, the University submitted zoning by-law amendment (the "Zoning Application") and site plan control (the "Site Plan Application") applications (collectively, the "**Applications**") to the City of Toronto ("**City**") to permit an institutional building with ancillary uses, known as the CCC. On October 19, 2020, the University filed appeals to the Local Planning Appeal Tribunal under sections 34(11) and 41(12) of the *Planning Act*, from Council's failure to make a decision on the Applications, despite positive recommendations from City staff (collectively, the "Appeals").

Subsequent to the Appeals, the University participated in mediation with City staff and the Queen's Park Heritage Precinct Coalition, a recently formed Federal non-profit corporation comprised of several ratepayer associations and residents in and around the City. The following offer is being made to achieve a comprehensive settlement of the Zoning Appeal.

Offer to Settle

To resolve the Zoning Appeal, the University is prepared to revise the Zoning Application in accordance with the attached Simple Site Plan, Ground Floor Plan, Zoning Envelope Elevations, Height Map and Heritage Impact Assessment Addendum. A resubmission to the Site Plan Application will be submitted to the City implementing the revised Zoning Application, should City Council accept this settlement offer in respect of the Zoning Appeal. Except as outlined below, no other revisions are proposed to the Zoning Application as originally supported by City staff:

1. Reduced Building Height

The building height will be revised to concentrate the tallest portion of the building to the north of the site with a height of 35.05m excluding mechanical penthouse, with a step down in height towards the south to a height of 28.95m. The building will have an average height of 33.6m, a reduction of 5.19 m in average height from the original Applications.

The North-East portion of CCC fronting the plaza will be 18.0 m tall, creating a harmonious relationship with the Royal Ontario Museum with a height that is reflective of the prevailing cornice line of the existing East Wing of the Royal Ontario Museum.

2. Revised Massing with Modifications to Falconer Hall

To accommodate the required building program and to regularize the CCC building footprint, the westernmost wing of Falconer Hall, being the 1908 addition, will also be removed as compared to the original Applications. The substantial setback of the CCC building from the east elevation of Falconer Hall will be generally maintained and the depth of the cantilever over Falconer Hall at its deepest point will be reduced to 5.2 m, reducing the size of the cantilever over Falconer Hall by 5.5 m as compared to the original Applications.

To the north of Falconer Hall, the building element fronting the plaza will be setback 27.5 m from the east and 0 m from the north property lines, and the floors above will step back a further 7.5 m.

There will be a 3.9 m maximum (3.0 m average) cantilever over the Edward Johnson Building to the west. As per the Applications, there will be a 1-storey link connection between the back of Falconer Hall and CCC, providing barrier free entry to the ground floor of Falconer Hall and a direct connection to CCC.

A minimum 1 m façade differential will be expressed at the 4th floor of CCC on the south façade to provide an appropriate interface between the CCC and the existing Flavelle House and Edward Johnson Building.

The mechanical penthouse will be a maximum of 60% of the area of the floor plate directly below, with prescribed minimum setback to the zoning envelope on the east, west and south.

3. Palm Room Restoration

The Palm Room at the ground level of Falconer Hall will be restored to its original tripartite configuration using new and salvaged materials. Custom lighting within the space will be used to help recreate the effect of a skylit room. The restored Palm Room will continue to provide internal circulation within Falconer Hall and the enhanced space will help to elevate its current status.

4. Connection at Northwest Corner of Falconer Hall

The removal of the westernmost wings of Falconer Hall will re-expose the rear of Falconer Hall, which will undergo repair and conservation work. The University will reinstate this area as closely as possible to the original condition and provide modifications if needed to ensure a compatible transition to the CCC. The link between Falconer Hall and CCC will be glazed and minimized to the extent possible to ensure visibility of the heritage façade.

An open space area will be included at the rear of Falconer Hall, contributing to the prominence of Falconer Hall when viewed from the public realm.

As the built form is finalized, the University will continue to consider further strategies for refining the new north west corner of Falconer Hall, to ensure the area of the new connection is minimized and the open space is maximized as reasonably possible, and will consider the potential for reducing and/or softening the cantilever element currently proposed.

5. Materiality and Architecture

As the settlement proposal represents a maximum zoning envelope, further detailed work is required to finalize the architectural treatment. The University commits to working with City staff through the site plan approval process on the materiality and architectural details of CCC to ensure an appropriate interface with Falconer Hall, including, considering the potential for reduction and/or softening of the cantilever element as currently proposed and considering strategies to refine the massing to further reduce its visual prominence relative to Falconer Hall.

6. Royal Ontario Museum

One floor of the CCC is reserved for use by the Royal Ontario Museum. If, prior to final site plan approval or an application for a building permit, under the *Building Code Act*, the space set aside for the Royal Ontario Museum is no longer required by the Royal Ontario Museum, the University agrees to explore with City staff additional opportunities to further mitigate impacts to and further retention of Falconer Hall, including considering whether the 1908 addition or portions thereof can be retained. It is acknowledged that the University's ability to further revise

the building will be dependent upon timing, extent of amendments required, and impact to programmatic requirements, among other things.

7. Costs

Neither party shall seek costs related to the Appeal from one another.

8. Conditions to LPAT Order

The University agrees to request that any decision of the LPAT approving the Zoning Appeal require that the following conditions be imposed prior to the issuance of the final LPAT Order on the Zoning Appeal:

- The final form and content of the Zoning By-law Amendment is to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
- That the University, at its sole cost and expense, has submitted revised Functional Servicing, Hydrogeological and Geotechnical Reports, and any other related engineering reports, to the satisfaction and acceptance of the Chief Engineer and Executive Director, Engineering and Construction Services;
- That the design and implementation of municipal infrastructure shall be at the University's sole cost and expense for any upgrades or improvements to City infrastructure identified in the approved Functional Servicing, Hydrogeological and/or Geotechnical Reports, with such improvements being secured to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should the Chief Engineer determine that improvements to such infrastructure are required to support this development; and
- The submission by the University of a revised pedestrian level wind study. The owner will incorporate into the building any measures that may be required to mitigate the impact of wind conditions, all to the satisfaction of the Chief Planner and Executive Director, City Planning, to be considered through the Site Plan Control process and not required for release of the Final LPAT Order.

9. Agreement on request to alter permit under Section 33 of the Ontario Heritage Act

The University agrees to the form of the conditions that were originally set out in recommendations 7, 8 and 9 of the Report from the Senior Manager, Heritage Planning, Urban Design, City Planning dated September 2, 2020, and the University understands that these recommendations will be revised to address the new alteration requests and reference to the Heritage Impact Assessment Addendum provided by the University's heritage consultant.

The CCC will help meet the University's demand for new institutional space and provide a mix of functions including classroom, labs, administration, musical performance and communal space. The CCC will help to create a new gateway to the University campus from the north and provide for the conservation of Falconer Hall.

The revised design responds to the concerns raised by the community, and while different than originally proposed in the Applications, does provide for an appropriate response to the surrounding context with a massing that aligns the CCC with the horizontal and vertical datums from the adjacent heritage resources. In particular, the north building element fronting the proposed plaza matches the parapet height of the ROM's south elevation; the base of the south building face aligns with the south elevation of the Edward Johnson Building; and the soffit of the cantilevered volume generally aligns with the roof ridge of the Flavelle House to the south. The modest cantilevers of the revised proposal echo the cantilevers of the Edward Johnson Building, and the stepped massing at the upper floors is akin to the step-up of the Edward Johnson Building fly tower.

While the height reduction and redistribution of University program area within CCC necessitates a greater removal of portions of Falconer Hall, the revised design will physically connect the CCC to the rear (west) of Falconer Hall and the view to Falconer Hall, Royal Ontario Museum, Edward Johnson Building and Flavelle House will also largely remain as seen from Queens Park.

The revised proposal will help frame Falconer Hall in the foreground of the site and the prominence of Falconer Hall as seen along Queens Park will be maintained and enhanced. As seen from the public realm, the house form of Falconer Hall will be clearly distinguishable, and the restored west wall will be integrated with and visible from within the lobby of CCC. Restoration of the Palm Room at the ground level of Falconer Hall will also mitigate the removal of the south west wing of Falconer Hall.

In our opinion, the foregoing revisions represent a comprehensive resolution of the concerns raised by the community, while still providing an alternative massing that accommodates the University's space requirements, ensures the prominence and three-dimensional integrity of Falconer Hall is retained, provides a new building along Queens Park that responds to and enhances its surrounding environment, and creates a new gateway to the University campus.

Accordingly, we are requesting that City Council accept the University's Offer to Settle the Zoning Appeal. Should the Offer to Settle be accepted by City Council, it may be released publicly. Until such a time as City Council accepts this Offer to Settle, it remains confidential and without prejudice.

We look forward to a positive resolution of this matter.

Yours truly,

Cassels Brock & Blackwell LLP

A handwritten signature in grey ink, appearing to read "Signe Leisk". The signature is fluid and cursive, with a large initial "S" and a long horizontal stroke extending to the right.

Signe Leisk

SL/MW/cm

c. Clients