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January 23, 2023

BY EMAIL: Mark.Crawford@toronto.ca and Colin.Dougherty@toronto.ca

With Prejudice

Colin Dougherty and Mark Crawford
City of Toronto | Legal Services Division
Metro Hall, 26th Floor
55 John Street
Toronto, ON
M5V 3C6

Dear Messrs. Dougherty and Crawford:

**Re: OLT-21-001651
BJL Sumach Corp.
471-479 Queen Street East, Toronto
OLT-21-001651**

Aird & Berlis LLP acts on behalf of BJL Sumach Corp. (the “**Applicant**”), owner of the properties municipally known as 471-479 Queen Street East (the “**Site**”).

Zoning By-law Amendment Appeal

In November 2020, on the Applicant’s behalf, we submitted an application to amend City of Toronto Zoning By-law Nos. 438-86 and 569-2013 to permit the redevelopment of the Site with a 15 storey mixed use building with grade related retail and residential uses above (the “**Application**”). The Application was deemed complete on May 5, 2021.

The Application originally contemplated a total gross floor area of 8,653 m², with approximately 143 residential dwelling units in a variety of sizes, and 231 square meters of retail space. Vehicular access to the Site was provided off of Queen Street East, with parking provided below grade, served by 2 car elevators accessed from the private lane at the rear of the Site.

City of Toronto staff prepared a Preliminary Report dated March 26, 2021, regarding the Application, which was considered by Toronto and East York Community Council on April 21, 2021. A Community Consultation meeting occurred (virtually) on March 29, 2021.

On November 4th, 2021, the Application was appealed to the Ontario Land Tribunal (“**Tribunal**”) on account of City Council's failure to make a decision within the time period legislated by the *Planning Act* (the “**Appeal**”).

A first Case Management Conference was held on February 4, 2022, and a second Case Management Conference occurred on May 9, 2022. Preserve Corktown is an added party to the

proceedings. On June 22, 2022, the Tribunal issued its Procedural Order respecting the Appeal. A 10-day video hearing has been scheduled to commence on March 13, 2023.

Extensive discussions between the Applicant and City Staff have occurred to explore potential revisions to the proposal in an attempt to resolve the City's issues with the Application. In addition, discussions have occurred between the Applicant, the City, and Preserve Corktown in an effort to resolve Preserve Corktown's issues with the proposal.

We are writing to set out the terms of a **with prejudice settlement offer** which would resolve the Appeal and enable the Applicant and the City to jointly ask the Tribunal to schedule a one day settlement hearing and allow the Appeal in part, in accordance with the Settlement Proposal.

Settlement Proposal

The Applicant is prepared, on a **with prejudice** basis, to proceed to a settlement hearing based on the Settlement Proposal, as reflected in the attached Plans, dated January 23, 2023. The Settlement Proposal is described below:

1. **Access to Site:** Vehicular access to the Site will no longer be provided off of Queen Street East. Inbound and outbound vehicular access will be provided from Sumach Street.
2. **Loading:** The loading area is now fully enclosed in the podium of the building which has been extended to the west in the area formerly occupied by a north/south private drive and with a proposal overhead automatic garage door at the southern end of the loading area.
3. **Unit Count and Mix:** The Settlement Proposal will include 10% 3 bedroom units and 15% 2 bedroom units. The Applicant currently proposes a total of 146 units, but reserves the right to change the number and mix of units through the detailed design which will occur during the site plan approval process with the City, and is not prepared to include a unit count in the Zoning By-law.
4. **Amenity Space:** Amenity space in the Settlement Proposal will be provided at a rate of 2.95 m² of indoor space and 1.05 m² of outdoor space, for a combined 4 m² per unit.
5. **Finalizing Instrument:** The City and Applicant shall work together to finalize the form of the Zoning By-law Amendment(s) to permit the Settlement Proposal.
6. **Tribunal Hearing:** The City and the Applicant shall jointly ask the Tribunal to convene a written or virtual settlement hearing at the earliest opportunity, and shall jointly ask the Tribunal to allow the appeal in part and approve the Zoning By-law Amendment(s) to permit the Settlement Proposal.
7. **Final Order Withheld:** The City and Applicant shall ask the Tribunal to withhold its final order until the Tribunal is advised by the City that:
 - a. the OLT has been advised by the City Solicitor that the proposed zoning by-law amendment is in a form satisfactory to the City;

January 23, 2023

Page 3

- b. the owner has addressed all outstanding issues raised by Engineering and Construction Services as they relate to the Zoning By-law Amendment application, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction;
- c. the owner has provided an addendum to the Transportation Impact Study from the BA Group, dated November, 2020, to reflect the elimination of the access for servicing vehicles from Queen Street West, to the satisfaction of the General Manager, Transportation Services;
- d. the owner has made satisfactory arrangements for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support the development as identified in the accepted Functional Servicing and Stormwater Management Reports accepted by the Chief Engineer and Executive Director of Engineering & Construction Services, and the accepted Transportation Impact Study accepted by the General Manager, Transportation Services; and
- e. the owner withdraw its appeal of Official Plan Amendment 525, being the King-Parliament Secondary Plan, and the associated Zoning By-law 393-2021, as they relate to the subject lands.

In support of this without prejudice settlement offer, please find enclosed a revised set of Architectural Plans, prepared by a&Architects Inc. dated January 23, 2023 which reflect the Settlement Proposal.

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

Yours truly,

AIRD & BERLIS LLP



Eileen P.K. Costello
EPKC/MH

Enclosure

51831478.2

AIRD BERLIS

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LAMB DEVELOPMENT CORP

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TORONTO ON M5V 1N6
T: 416.368.5262
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A& ARCHITECTS INC
130 QUEENS QUAY EAST, SUITE 1100
TORONTO, ONTARIO, M5A 0P6
(416) 466-0100 WWW.AARCHITECTS.CA

PROJECT ADDRESS: 471-479 Queen Street East, Toronto, ON

PROJECT NUMBER: 19-134
ISSUE DATE: 2023-01-23
ISSUE FOR: SETTLEMENT DISCUSSIONS

ARCHITECTURAL

- A000 COVER
- A001 STATISTICS
- A002 STATISTICS
- A003 CONTEXT PLAN
- A004 SURVEY
- A101 SITE PLAN
- A152 P2-P4
- A153 P1
- A200 LEVEL 1
- A201 Mezz.
- A202 LEVEL 2
- A203 LEVEL 3-6
- A204 LEVEL 7-11

ARCHITECTURAL

- A205 LEVEL 12-14
- A206 LEVEL 15
- A207 AMENITY / MECHANICAL LEVEL
- A208 ROOF PLAN
- A401 ELEVATIONS
- A402 ELEVATIONS
- A403 ELEVATIONS
- A404 ELEVATIONS
- A410 SECTION
- A411 SECTION 2
- A501 CAMERA VIEWS
- A502 CAMERA VIEWS
- B 400 BIRD FRIENDLY ELEVATION
- B 401 BIRD FRIENDLY ELEVATION

3 2023-01-23	ISSUED FOR SETTLEMENT DISCUSSIONS
2 2020-10-30	ISSUED FOR REZONING
1 2020-08-25	ISSUED FOR PRE CONSULTATION MEETING WITH CITY
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PROJECT: The Queen 471-479 Queen Street East, Toronto, ON	
CLIENT:	
SCALE:	DATE: 2019-11-22
TITLE: COVER	
PROJECT NO: 19-134	A000

2023-01-23 5:14:06 PM

LOADING AREA REQUIRED		LOADING AREA PROVIDED	
RESIDENTIAL:	31 - 399 UNITS (1 TYPE G)	1 TYPE B	
RETAIL:	LESS THAN 500 sm NOT REQUIRED	0	

*GARBAGE	GARBAGE ROOM	REQUIRED sm	PROVIDED sm
	LEVEL RESIDENTIAL	49.96	50.98
	LEVEL RETAIL	20	24.95
	BULKROOM	10	10.68
	STAGING	14.6	15.88
	TOTAL (SM)	94.56	102.49

ESTABLISHED GRADE: (81.88 + 81.69) / 2 = 81.785

*HEIGHT:	REQUIREMENT	PROPOSED
	12 m	55.835 m

GARBAGE ROOM: MIN. 25 sm FOR THE FIRST 50 UNITS AND 13 sm FOR ADDITIONAL 50
 STAGING: 5 sm FOR EVERY 50 UNITS
 GARBAGE (1/50) RECYCLE (1/50) ORGANIC (1/100)

REQUIRED RESIDENTIAL BIKE		
RESIDENTIAL (LONG-TERM) (X0.9)	VISITOR (SHORT-TERM) (X0.1)	TOTAL
131.4	14.6	146

PROVIDED RESIDENTIAL (SHORT-TERM) BIKE		
LEVEL	BIKE TYPE	COUNT
P1	1800X600 BIKE	15
		15
Level 1 (Lobby)	1800X600 BIKE	4
		4
		19

PROVIDED RESIDENTIAL (LONG-TERM) BIKE		
LEVEL	BIKE TYPE	COUNT
P1	1700X450 STACK BIKE	132
		132
		132

PROVIDED TOTAL RESIDENTIAL (SHORT/LONG-TERM) BIKE		
LEVEL	BIKE TYPE	COUNT
P1	1700X450 STACK BIKE	132
P1	1800X600 BIKE	15
		147
Level 1 (Lobby)	1800X600 BIKE	4
		4
		151

REQUIRED RETAIL BIKE	
GCA RETAIL	3+ [GCA RETAIL / 100]*0.3]
218	3.654

PROPOSED LOCKER		
LEVEL	BIKE TYPE	COUNT
P4	1800X900 LOCKER	19
		19
P3	1800X900 LOCKER	19
		19
P2	1800X900 LOCKER	19
		19
P1	1800X900 LOCKER	9
		9
		66

REQUIRED PARKING SPACES					
STUDIO (X 0.3)	1B+1BD (X0.5)	2B+2BD (X 0.8)	3B (X1)	VIS. PARKING (X0.1)	TOTAL
22.5	14.5	19.2	18.0	14.6	88.8

REQUIRED RETAIL PARKING	
GCA RETAIL	GCA RETAIL / 100
218	2.18

TOTAL PROPOSED PARKING		
LEVEL	TYPE	COUNT
P4	BARRIER FREE	1
P4	REGULAR	10
		11
P3	BARRIER FREE	1
P3	REGULAR	10
		11
P2	BARRIER FREE	1
P2	REGULAR	10
		11
		33

*PARKING RATIO: 33/146= 0.22

7 ELECTRICAL CAR SPACES HAVE BEEN PROVIDED. REFER TO TRAFFIC REPORT

3	2023-01-23	ISSUED FOR SETTLEMENT DISCUSSIONS
2	2020-10-30	ISSUED FOR REZONING
1	2020-08-26	ISSUED FOR PRE CONSULTATION MEETING WITH CITY

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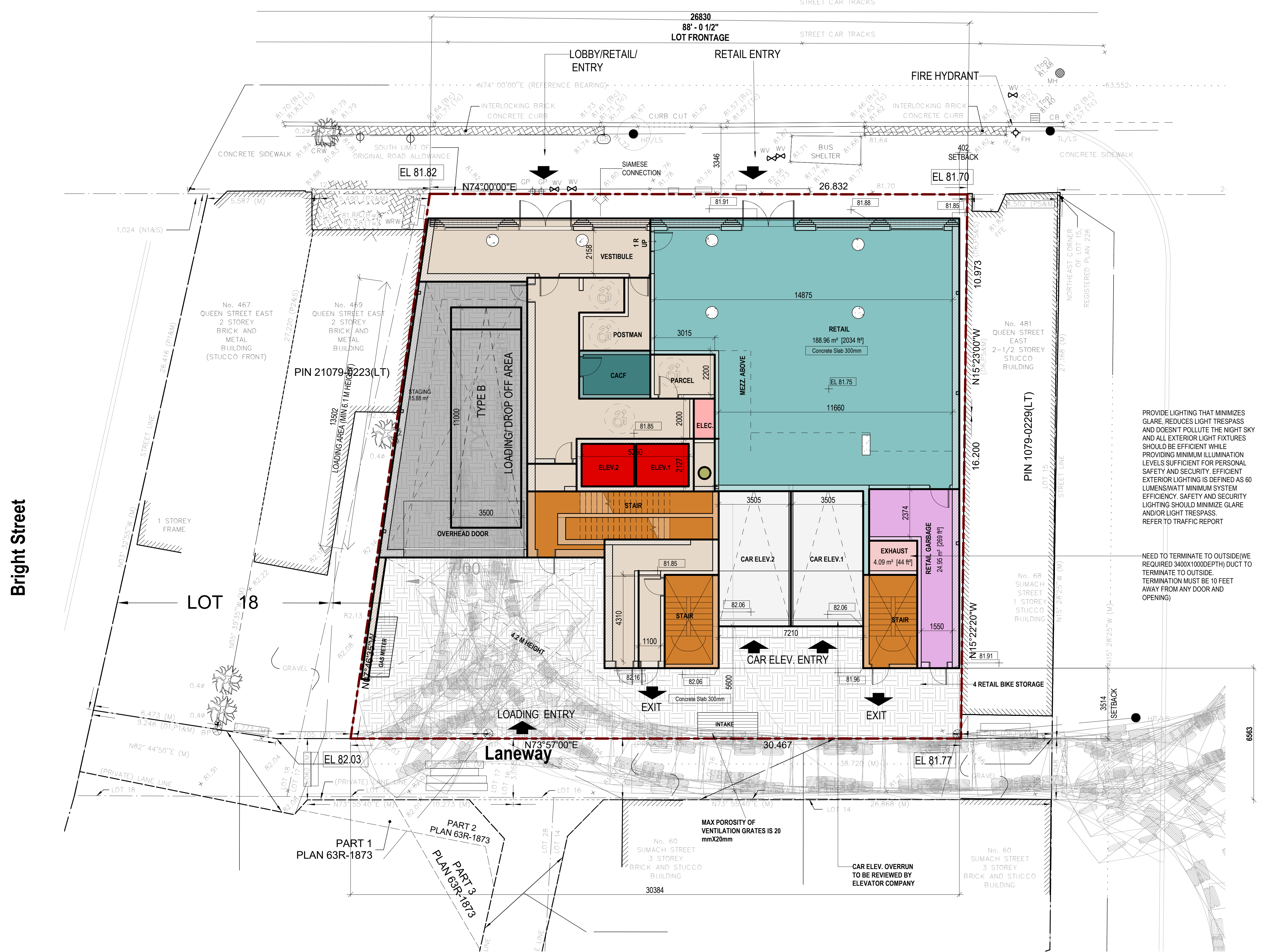


CLIENT:
 PROJECT:
 The Queen
 471-479 Queen Street East,
 Toronto, ON

SCALE	DATE

TITLE
STATISTICS
PROJECT NO. 19-134
A002

Queen Street East



LEGEND

- CACF
- Common Area
- Electrical
- Elevator
- Garbage Chute
- Loading area
- Loading Res Deduct
- Loading Retail Deduct
- Mechanical
- Parking
- Retail
- Retail Garbage
- Vertical Circulation

PROVIDE LIGHTING THAT MINIMIZES GLARE, REDUCES LIGHT TRESPASS AND DOESN'T POLLUTE THE NIGHT SKY AND ALL EXTERIOR LIGHT FIXTURES SHOULD BE EFFICIENT WHILE PROVIDING MINIMUM ILLUMINATION LEVELS SUFFICIENT FOR PERSONAL SAFETY AND SECURITY. EFFICIENT EXTERIOR LIGHTING IS DEFINED AS 60 LUMENS/WATT MINIMUM SYSTEM EFFICIENCY. SAFETY AND SECURITY LIGHTING SHOULD MINIMIZE GLARE AND/OR LIGHT TRESPASS. REFER TO TRAFFIC REPORT

NEED TO TERMINATE TO OUTSIDE (WE REQUIRE 3400X1000DEPTH) DUCT TO TERMINATE TO OUTSIDE. TERMINATION MUST BE 10 FEET AWAY FROM ANY DOOR AND OPENING)

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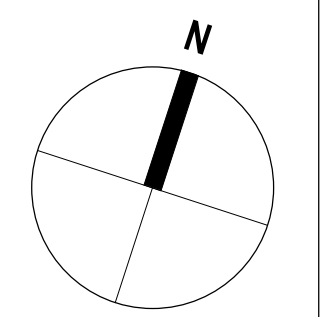
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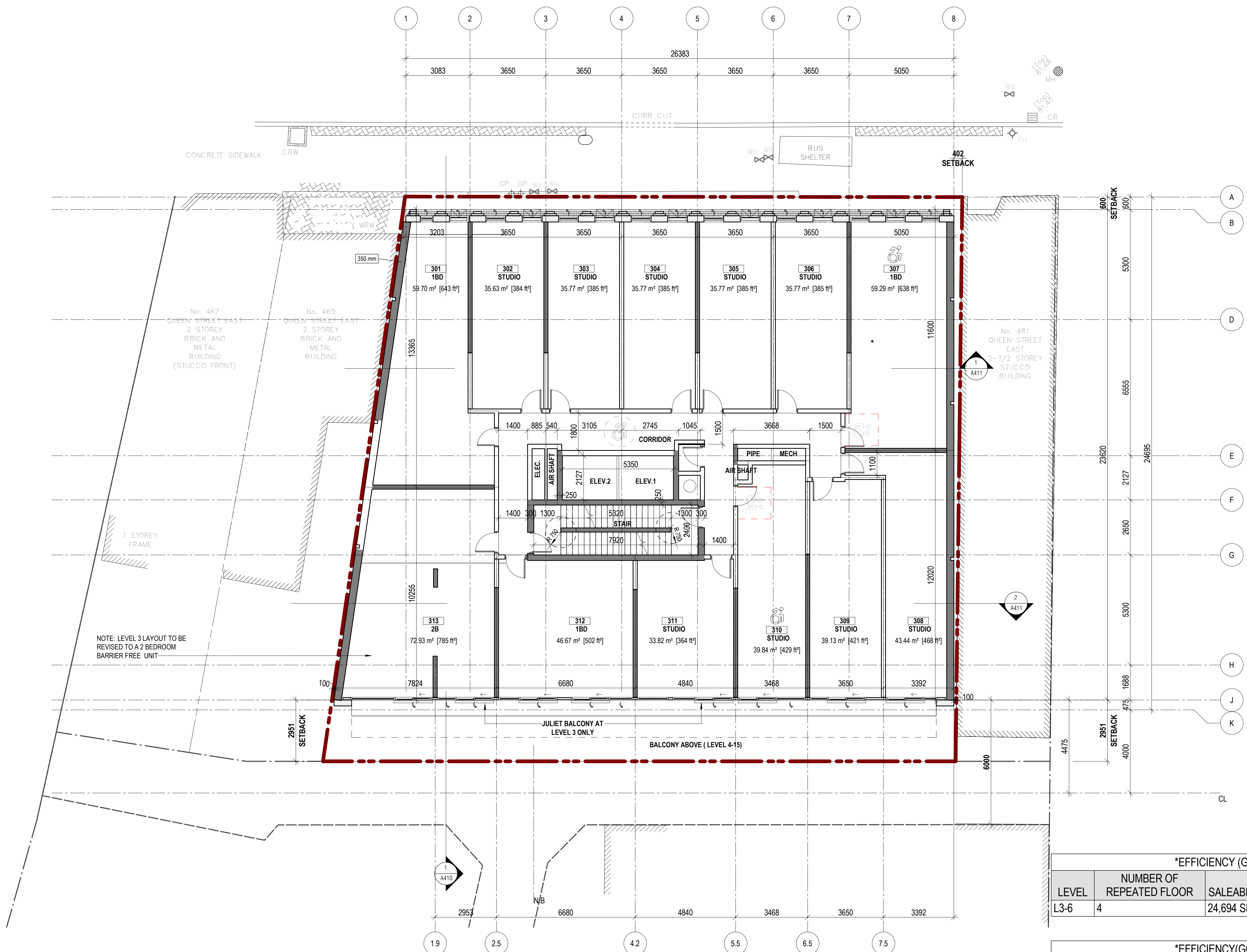
PROJECT:
The Queen
 471-479 Queen Street East,
 Toronto, ON



SCALE: DATE:
 2019-11-22

TITLE:
SITE PLAN

PROJECT NO:
 19-134 **A101**



NOTE: LEVEL 3 LAYOUT TO BE REVISED TO A 2 BEDROOM BARRIER FREE UNIT

*EFFICIENCY (GFA) L3-6				
LEVEL	NUMBER OF REPEATED FLOOR	SALEABLE sf	GFA sf	EFFICIENCY L3-6
L3-6	4	24,694 SF	27,303 SF	91%

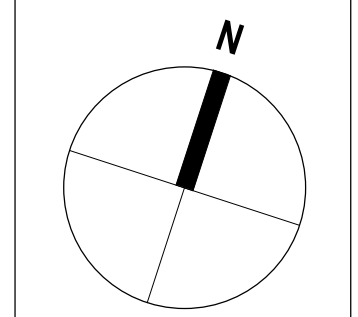
*EFFICIENCY(GCA) L3-6				
LEVEL	NUMBER OF REPEATED FLOOR	SALEABLE sf	GCA sf	EFFICIENCY_L3-6
L3-6	4	24,694 SF	28,615 SF	87%

- 3 2023-01-23 ISSUED FOR SETTLEMENT DISCUSSIONS
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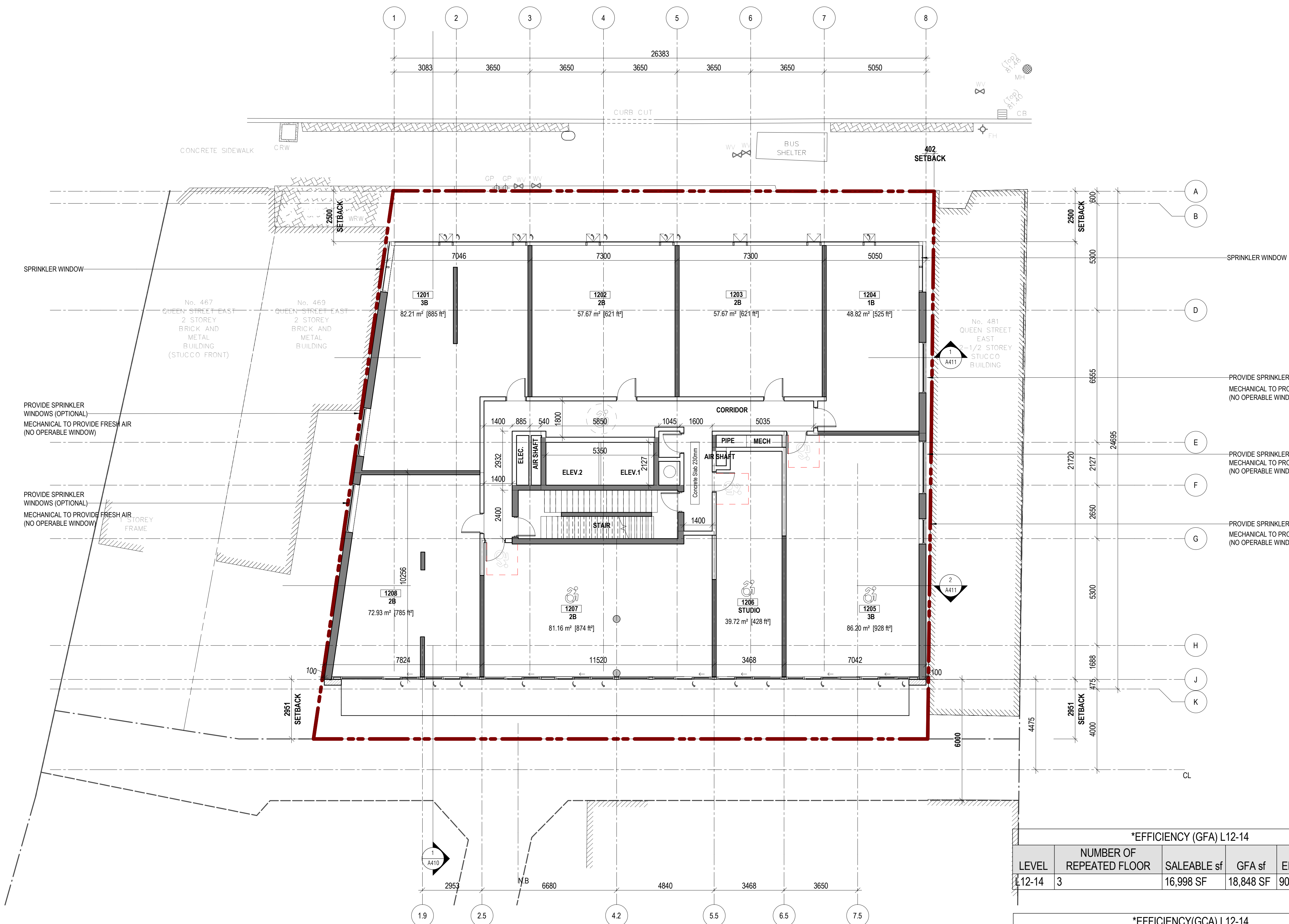
PROJECT:
The Queen
471-479 Queen Street East,
Toronto, ON



SCALE: DATE: 2019-11-22

TITLE:
LEVEL 3-6

PROJECT NO. 19-134 **A203**

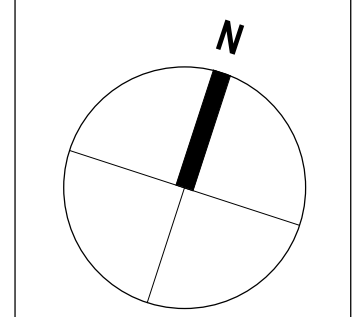


3	2023-01-23	ISSUED FOR SETTLEMENT DISCUSSIONS
2	2020-10-30	ISSUED FOR REZONING
1	2020-08-25	ISSUED FOR PRE CONSULTATION MEETING WITH CITY

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PROJECT:
The Queen
471-479 Queen Street East,
Toronto, ON



SCALE: DATE:
2019-11-22

TITLE:
LEVEL 12-14

PROJECT NO.
19-134

A205

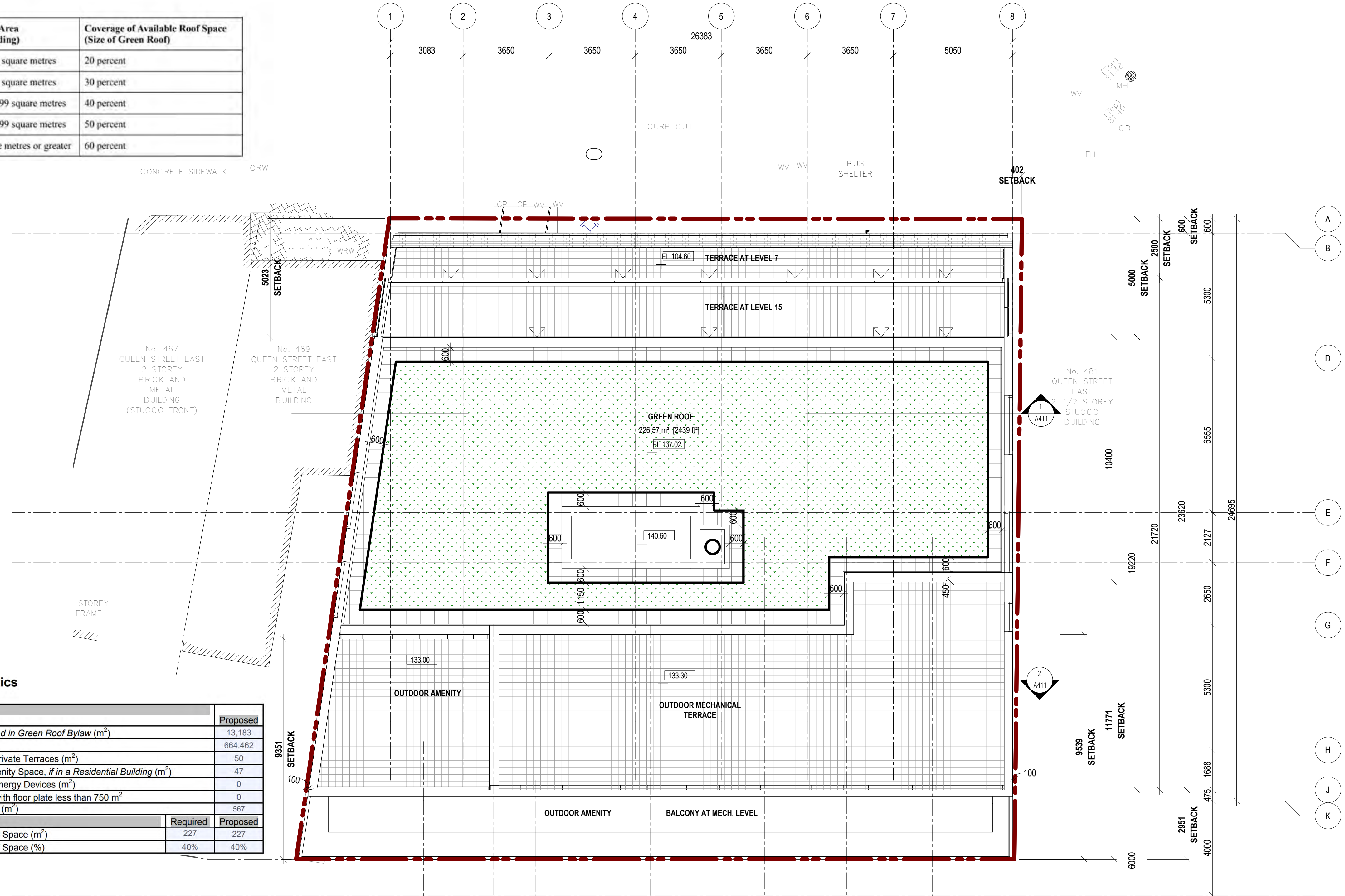
*EFFICIENCY (GFA) L12-14				
LEVEL	NUMBER OF REPEATED FLOOR	SALEABLE sf	GFA sf	EFFICIENCY 12-14
L12-14	3	16,998 SF	18,848 SF	90%

*EFFICIENCY(GCA) L12-14				
LEVEL	NUMBER OF REPEATED FLOOR	SALEABLE sf	GCA sf	EFFICIENCY_L12-14
L12-14	3	16,998 SF	19,832 SF	86 %

TOWER - The portion of a building above the podium of the building, where the tower portion of the building is at least 12 storeys.

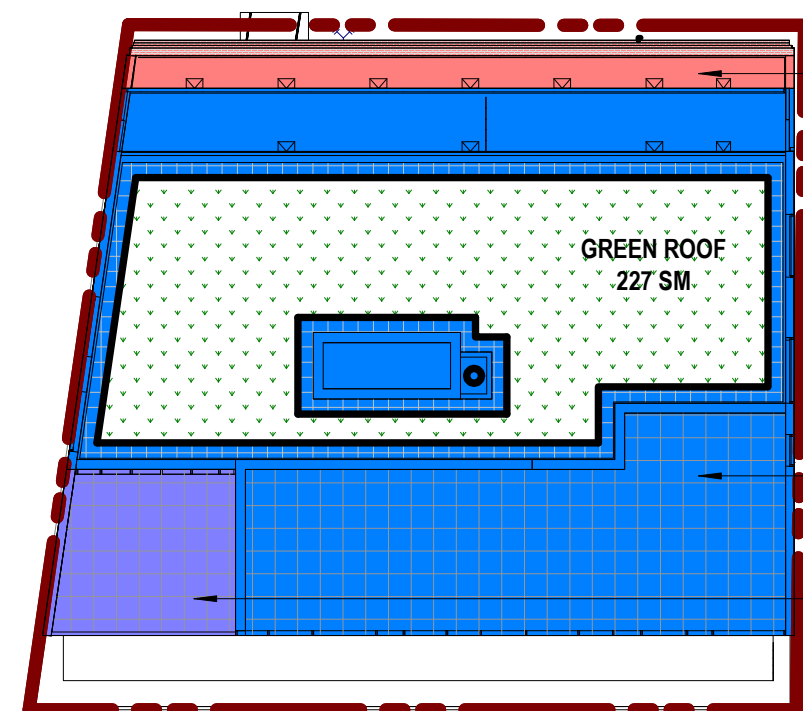
NOTE: THE TOWER DEFINITION DOES NOT APPLY TO THIS PROJECT, SO WE HAVE TO INCLUDE THE AREA OF FLOOR PLATE.

Gross Floor Area (Size of Building)	Coverage of Available Roof Space (Size of Green Roof)
2,000 - 4,999 square metres	20 percent
5,000 - 9,999 square metres	30 percent
10,000 - 14,999 square metres	40 percent
15,000 - 19,999 square metres	50 percent
20,000 square metres or greater	60 percent



Green Roof Statistics

Gross Floor Area, as defined in Green Roof Bylaw (m ²)	Proposed	13,183
Total Roof Area (m ²)	664,462	
Area of Residential Private Terraces (m ²)	50	
Rooftop Outdoor Amenity Space, if in a Residential Building (m ²)	47	
Area of Renewable Energy Devices (m ²)	0	
Tower (s) Roof Area with floor plate less than 750 m ²	0	
Total Available Roof Space (m ²)	567	
Green Roof Coverage	Required	Proposed
Coverage of Available Roof Space (m ²)	227	227
Coverage of Available Roof Space (%)	40%	40%



GREEN ROOF AREA	
LEVEL	AREA
Roof	227 m ²

PROVIDE LIGHTING THAT MINIMIZES GLARE, REDUCES LIGHT TRESPASS AND DOESN'T POLLUTE THE NIGHT SKY AND ALL EXTERIOR LIGHT FIXTURES SHOULD BE EFFICIENT WHILE PROVIDING MINIMUM ILLUMINATION LEVELS SUFFICIENT FOR PERSONAL SAFETY AND SECURITY. EFFICIENT EXTERIOR LIGHTING IS DEFINED AS 60 LUMENS/WATT MINIMUM SYSTEM EFFICIENCY. SAFETY AND SECURITY LIGHTING SHOULD MINIMIZE GLARE AND/OR LIGHT TRESPASS. REFER TO TRAFFIC REPORT

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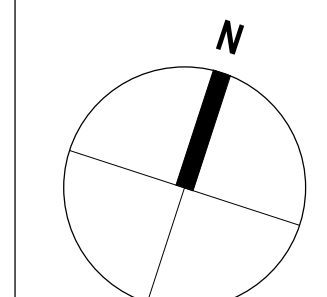
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PROJECT:

The Queen
471-479 Queen Street East,
Toronto, ON



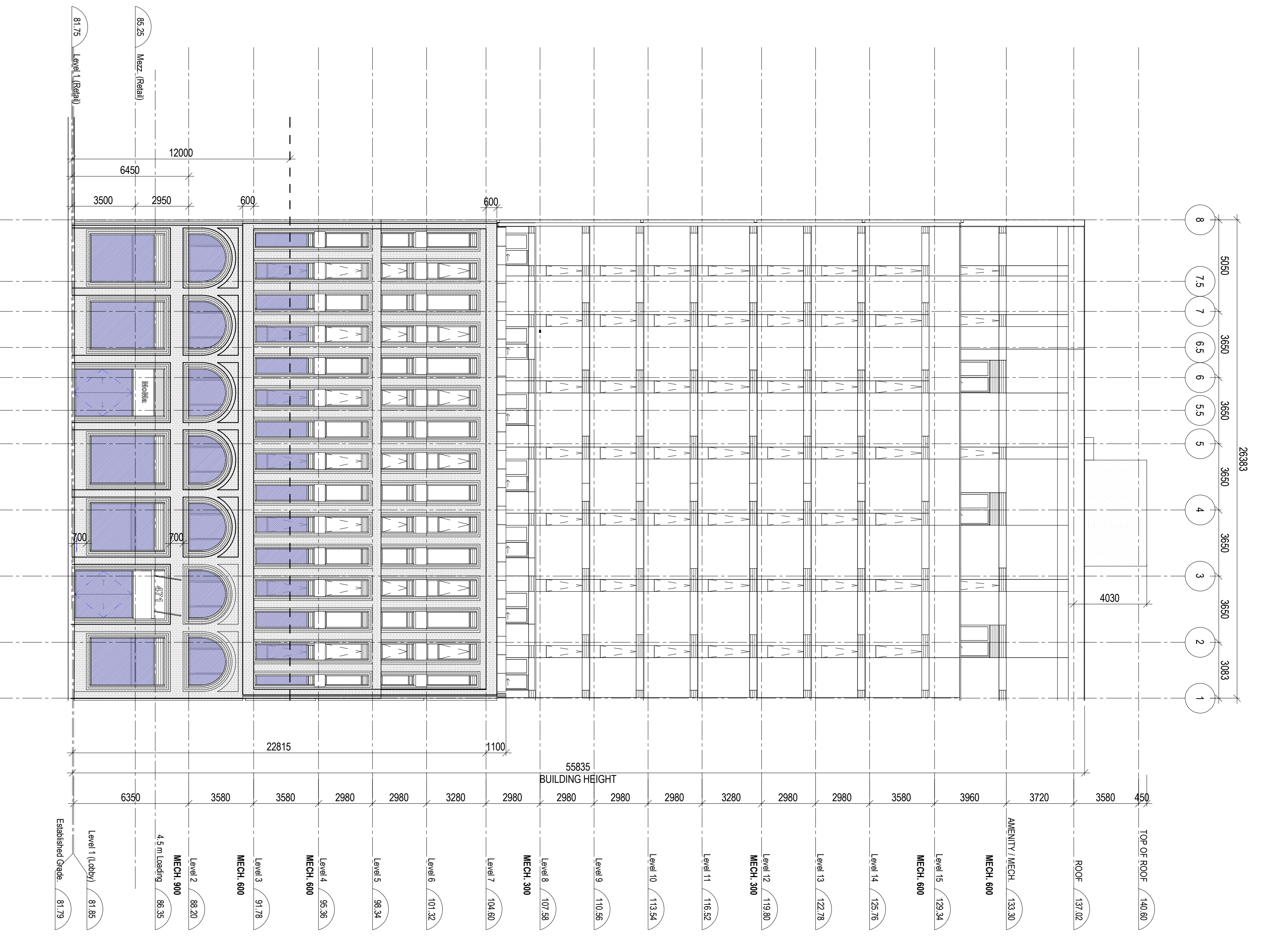
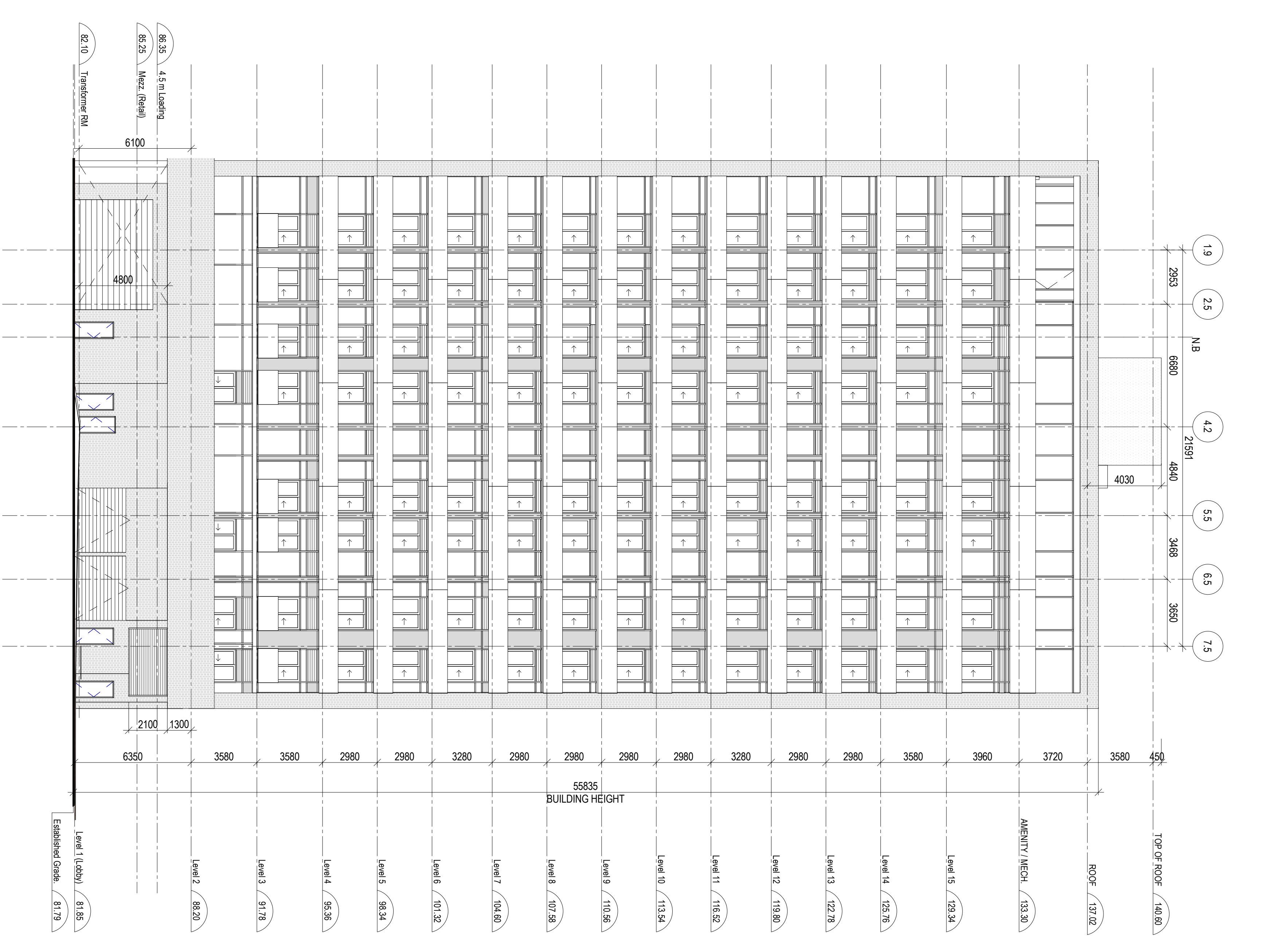
SCALE:
1 : 100

DATE:
2019-11-22

TITLE:
ROOF PLAN

PROJECT NO.
19-134

A208



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<p>3 2023-01-23 ISSUED FOR SETTLEMENT DISCUSSIONS</p> <p>2 2020-10-30 ISSUED FOR REZONING</p> <p>1 2020-08-25 ISSUED FOR PRE CONSULTATION MEETING WITH CITY</p>

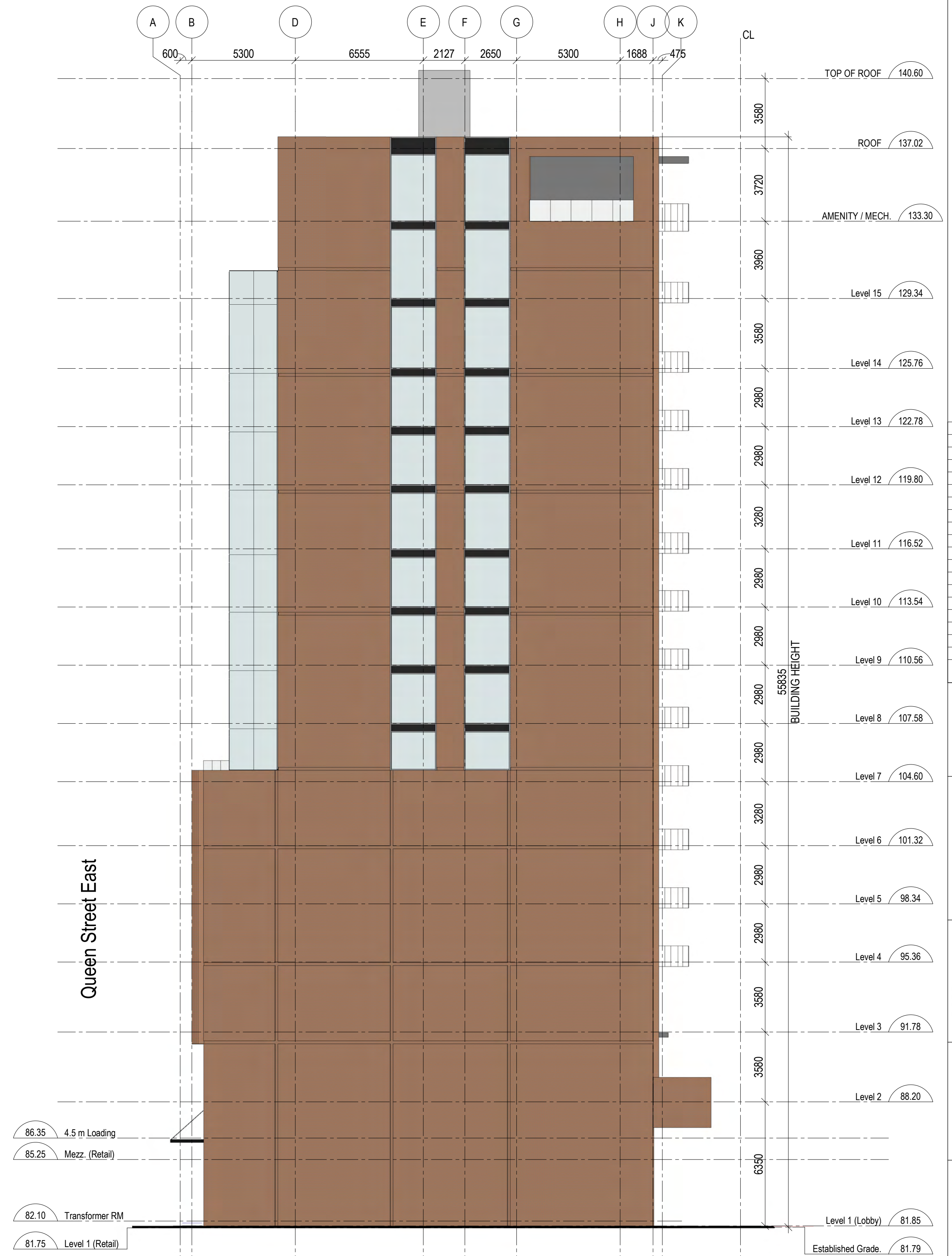
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PROJECT:
**The Queen
 471-479 Queen Street East,
 Toronto, ON**

SCALE: DATE: 2019-11-22

TITLE: ELEVATIONS
 PROJECT NO: 19-134
A401



1 West. Elevation
A402 1:150

ELEVATION HEIGHT TO BE ADJUSTED AFTER GRADING COMMENTS

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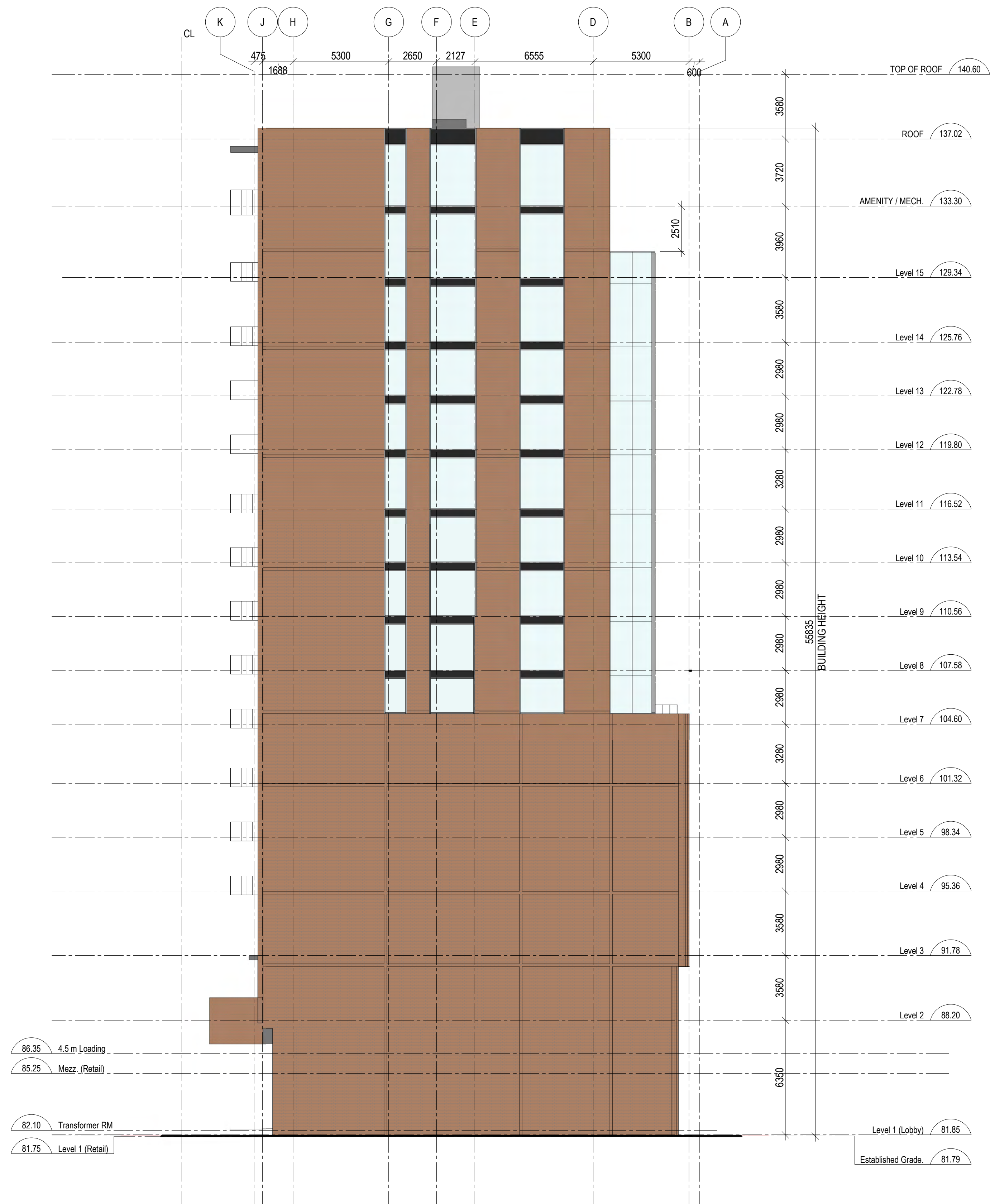
PROJECT:
 The Queen
 471-479 Queen Street East,
 Toronto, ON

SCALE: DATE:
 2019-11-22

TITLE:
 ELEVATIONS

PROJECT NO.
 19-134

A402



2 East Elevation.
A403 1 : 150



1 3D View 7
A403

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PROJECT:
The Queen
471-479 Queen Street East,
Toronto, ON

SCALE: 1 : 150
DATE:
TITLE: ELEVATIONS
PROJECT NO. 19-134
A403