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June 30, 2021
File No.: 1383591001

WITH PREJUDICE
By E-mail
alexander.suriano@toronto.ca

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

Attention: Mr. Alexander Suriano

Dear Mr. Suriano:

Re: With Prejudice Settlement Offer
OLT Case No. PL200354
149, 151, 171 Front Street West, 7 Station Street, 20 York Street

We are the solicitors for 20 York Inc., which is the registered owner of the properties municipally known as 149, 151, 171 Front Street West, 7 Station Street, and 20 York Street, Toronto (the "**Property**"). Our client has appealed its Official Plan and Zoning By-law Amendment applications for the Property to the Ontario Land Tribunal (the "**OLT**"). These appeals are presently proceeding under OLT Case No. PL200354 (the "**Appeal**"). Through the Appeal, our client is proposing to redevelop the Property for a 54-storey (excluding mechanicals) commercial building comprised of office and retail uses, as well as a new data centre.

On behalf of our client we are pleased to put forward the following with-prejudice settlement offer relative to the Appeal:

1. The building massing shall be substantially in accordance with the enclosed drawings, reflecting a reduction of the width of the building to a maximum of 87 metres, a maximum of 135,000 square metres of new GFA (in addition to approximately 28,544 square metres of existing GFA to be retained in the buildings at 20 York Street, 151 Front Street and the Skywalk) and a maximum height of 295 metres excluding parapets, architectural features, mechanical penthouses, elevator overruns, mechanical screening, vegetation, building maintenance equipment and antennas. The plans shall be revised so that the approximately 5 metre wide connector piece forming part of the new Skywalk immediately adjacent to the 20 York building shall be reduced in height to be lower than the cornice line of the 20 York building to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
2. Prior to the issuance of the final order approving the zoning by the OLT, the owner shall submit a revised Heritage Impact Assessment to the satisfaction of the Senior Manager, Heritage Planning, that includes, but is not limited to, complete documentation and interpretation plan for

the Skywalk, Canadian National Express Shed Building and a detailed conservation plan for the 20 York Street and 151 Front Street West buildings.

3. Prior to issuance of Notice of Approval Conditions as part of the site plan application, the owner shall explore retaining part of the Canadian National Express Shed Building, or a bay, in addition to its documentation and interpretation as part of the site plan application approval process to the satisfaction of the Senior Manager, Heritage Planning.
4. Prior to issuance of Notice of Approval Conditions as part of the site plan application, the proposal shall, at a minimum, achieve the Energy Efficiency and GHGs targets of the TGS Tier 2 as demonstrated in the submitted Energy Report to the satisfaction of the Director of Environment & Energy, and shall also assess the commercial and engineering feasibility of pursuing TGS Tier 4 in whole or in part and provide the City with a list of features, if any, that will be incorporated in the project as a result of such assessment.
5. Prior to Site Plan Approval, the owner shall submit a streetscape plan detailing improvements to Station Street to be implemented in support of the development permitted by the approved zoning by-law amendment which will include, but not be limited to, details regarding landscaping, lighting, paving and curbing details, sidewalk treatment, outdoor seating, and vegetation, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the General Manger, Transportation Services.
6. A cash contribution of \$4,500,000 to the City pursuant to Section 37 of the *Planning Act*, allocated as follows:
 - (i) \$1,500,000 towards public art;
 - (ii) \$1,000,000 towards new off-site affordable housing;
 - (iii) \$1,000,000 towards arts and culture in Ward 10; and
 - (iv) \$1,000,000 for study of and/or capital investment in the implementation of the Downtown Parks and Public Realm Plan.
7. Prior to Site Plan Approval, a wind tunnel study for the development concept shall be submitted to the City. Recommendations of the study will be incorporated into the approved site plan approval drawings.
8. The owner will explore with the City staff the location of the stairs leading up to the main entrance on Simcoe Street prior to our next resubmission in respect of the existing site plan approval application.
9. There will be no requirement by the City for public access to the rooftop.
10. The proposed development as contemplated in this offer will be processed under the existing site plan approval application (City File No. 14 122781 STE 20 SA), and not as the subject of a new site plan approval application.

Enclosed is a draft revised set of plans dated June 30, 2021, prepared by Bjarke Ingels Group, illustrating the revisions to the building as noted above.

We trust that you will forward the terms of this final settlement offer for City Council's review and consideration at its meeting commencing July 14, 2021. We look forward to receiving your response and

working further with staff to realize the vision for this signature office development located at a critical juncture in the City's downtown core. Please contact the undersigned if you wish to discuss further.

Yours truly,

Stikeman Elliott LLP
Per:



Calvin Lantz

CL/ae

cc. Client
Jonathan Cheng, *Stikeman Elliott LLP*
Michael Mahoney, *City of Toronto*
Mladen Kukic, *City of Toronto*
Willie Macrae, *City of Toronto*
Lynda Macdonald, *City of Toronto*