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Our File No.: 182579

WITHOUT PREJUDICE

Via Email

City of Toronto Legal Services
Metro Hall
55 John Street, 26th Floor
Toronto, ON M5V 3C6

Attention: Mark A. Piel

Dear Sirs/Mesdames:

**Re: LPAT Case No. PL171386 – 2400-2444 Yonge Street
Without Prejudice Offer to Settle**

We are solicitors for Roselawn & Main Urban Properties Inc., the owner of the lands known municipally in the City of Toronto as 2400-2444 Yonge Street (the “**Property**”). We are writing on behalf of our client with a without prejudice settlement offer in respect of the above-noted matter. This settlement offer would remain open until the end of the City Council meeting scheduled to commence on July 14, 2021.

As you know, our client has engaged in without prejudice mediation with City staff, the neighbouring property owner and resident groups over the last several months regarding the redevelopment proposal for the Property. These discussions have resulted in a revised site plan and massing, dated March 26, 2021 and prepared by Hariri Pontarini Architects and attached to this letter (the “**Revised Plans**”).

The terms of this without prejudice settlement offer are as follows:

1. The settlement offer is based on the Revised Plans, which would be implemented through the resulting zoning by-law.
2. The Revised Plans show a public park of approximately 1,232 square metres, to be dedicated to the City in the northwest portion of the Property unencumbered and for nominal consideration. The public park would be conveyed to the City in accordance with the City’s Policy for Accepting Potentially Contaminated Lands and constructed to base park conditions. We noted that the on-site parkland

dedication required by Chapter 415 of the City of Toronto Municipal Code is approximately 827 square metres, meaning that the proposed public park represents an over-dedication of approximately 405 square metres (the “**Parkland Over-Dedication**”). The implementing official plan amendment would designate the proposed public park as *Parks and Open Space*. The balance of the Property would remain designated as *Mixed Use Areas*.

3. Our client agrees to consider above base park improvements, subject to City Council authorizing the standard and corresponding credit in development charges. The construction of all park improvements would be completed prior to the registration of the first condominium within any part of the Property (save the parkland dedication) or occupancy of any residential building within any part of the Property (save the parkland dedication) if the development proceeds as rental.
4. Our client also agrees that the terms of the park conveyance will be secured in the zoning by-law amendment and the Section 37 agreement as a legal convenience, as a matter required to support the development of the Property, including the following terms:
 - (i) prior to the issuance of the first above grade building permit for any part of the Property, the owner shall transfer to the City for nominal consideration the fee simple interest in public park lands, including the Parkland Over-Dedication, to be used by the City for a public park, in a condition satisfactory to the General Manager, Parks, Forestry & Recreation, free and clear of all physical encroachments and obstructions above and below grade and not encumbered by any easements or interests in land above and below grade;
 - (ii) prior to the registration of the fee simple conveyance of the public park, including the Parkland Over-Dedication, to the City, the owner shall satisfy all City policies in respect of the environmental condition of lands conveyed to the City, to the satisfaction of the General Manager, Parks, Forestry & Recreation; and,
 - (iii) in the event the owner requires the public park, including the Parkland Over-Dedication, for construction staging purposes following registration of the fee simple interest in said lands to the City, the owner shall enter into the City’s standard park access agreement on terms satisfactory to the General Manager, Parks, Forestry & Recreation, save and except for the payment of any occupancy fees under said agreement to the City, which the owner and the City agree and acknowledged would be waived by the City.

5. The Revised Plans incorporate two 3.0 metre wide mid-block connections over the Property. The first is an east/west mid-block connection at the southern portion of the Property to enable a connection to Yonge Street. The second is a north/south connection from Roselawn Avenue between the new public park and the development, which would facilitate a future full connection south to Montgomery Avenue. Both of the mid-block connections would be secured as surface easements to enable public access prior to the earlier of the registration of the first condominium within any part of the Property, occupancy of any residential building within any part of the Property if the development proceeds as rental, and three years from the date the first above-grade building permit is issued for the Development, to the satisfaction of the Chief Planner in consultation with the City Solicitor. Pursuant to the site plan control application process, the owner shall design and financially secure the mid-block connections and the landscaped opened space west of the mid-block connection in the location and general shown on the Revised Plans, to the satisfaction of the Chief Planner.
6. The Yonge Street and Roselawn Avenue frontages include setbacks to enhance the public realm, including a setback from the building face to the curb on Roselawn Avenue of approximately 12.64 metres.
7. The built form has been revised to reduce the overall height of the podium to six storeys (a maximum height of 28.7 metres), with sculpting of the podium on all sides through the application of setbacks, stepbacks and angular planes and a four-storey component on the western portion of the development. The podium also incorporates and conserves the Yonge Street buildings included on the City's heritage inventory.
8. The two towers now have heights of 27 storeys (approximately 95.0 metres, excluding the mechanical penthouse) and 21 storeys (approximately 77.0 metres, excluding the mechanical penthouse), in keeping with the policy direction in Official Plan Amendment No. 405 for this Character Area. The towers have also been oriented to achieve setbacks and stepbacks as shown on the Revised Plans, with the north tower having been rotated. The tower floor plates have also been reduced to 785 square metres (GCA).
9. The zoning by-law amendment(s) would implement the parking supply provided on the Revised Plans.
10. The implementing zoning by-law amendment(s) would secure that no single retail store could exceed approximately 3,500 square metres of gross floor area in accordance with Official Plan Amendment No. 405.

11. In addition to conveyance of the Parkland Over-Dedication, which is deemed a community benefit under Section 37 of the *Planning Act* and not an acquisition pursuant to the City's authority and jurisdiction under Section 42 of the *Planning Act*, our client would provide an indexed cash payment of \$1.8-million as a Section 37 contribution, to be paid prior to the first above-grade building permit, to be allocated by the Chief Planner for use by the City on the following basis:
 - (i) \$1.5-million towards park acquisition and/or park improvements in the vicinity of the development, to the satisfaction of the General Manager, Parks, Forestry and Recreation, in consultation with the Ward Councillor; and,
 - (ii) \$300,000 towards streetscape improvements to Montgomery Avenue and Yonge Street, along the frontages of the Anne Johnston Centre, to the satisfaction of the Chief Planner in consultation with the Ward Councillor.
12. Our client acknowledges that the Toronto Preservation Board ("TPB") will consider the proposed alterations to the heritage properties within the Property, and municipally known as 2430 Yonge Street and 2434 Yonge Street, at its meeting of June 16, 2021, and that the TPB's recommendation in respect of the heritage matters will be before City Council, along with this settlement offer, at its meeting on July 14, 2021. In the event that City Council accepts this settlement offer at that time, our client agrees that the Section 37 Agreement would secure, pursuant to the site plan control application process, the owner's provision of final site plan drawings substantially in accordance with a Conservation Plan for the lands known municipally as 2430 Yonge Street and 2434 Yonge Street, prepared in accordance with the revised Heritage Impact Study filed by the owner in support of the applications, an Interpretation Plan, Heritage Lighting Plan, and Signage Plan, all to the satisfaction of the Senior Manager, Heritage Planning, and implement the said plans as part of the site plan control process, if deemed necessary by the Senior Manager, Heritage Planning.

Our client agrees that, in the event City council accepts this settlement offer, the final order of the Local Planning Appeal Tribunal would be withheld pending:

- the City solicitor confirming that any required official plan amendment and/or zoning by-law amendment(s) are in final form and content to the satisfaction of the Chief Planner and Executive Director, City Planning;
- submission of an updated Functional Servicing Report, Stormwater Management Report, Hydrogeological Report and Groundwater Report (the "**Engineering Reports**"), to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

- satisfactory arrangements with Chief Engineer and Executive Director, Engineering and Construction Services for the design and construction of new infrastructure or any improvements to the existing municipal infrastructure, should it be determined in the Engineering Reports that new infrastructure and/or upgrades/improvements are required to the existing infrastructure, to support this development, and that the owner has entered into a financially secured agreement to pay for and construct any necessary municipal infrastructure, with any such agreement to be executed prior to the issuance of an above-grade building permit;
- execution of a heritage easement agreement with the City in respect of the lands known municipally as 2430 Yonge Street and 2434 Yonge Street, and satisfaction of the terms therein, including the provision of the necessary financial security, all to the satisfaction of the Senior Manager, Heritage Planning, and register said agreement in priority to the satisfaction of the City Solicitor; and,
- execution and registration of a Section 37 agreement to the satisfaction of the City Solicitor to secure the community benefits outlined above in accordance with the Planning Act before it was amended by Bill 108 and Bill 197, as well as any matters of legal convenience to implement the matters listed above.

As noted above, this without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on July 16, 2021, after which it should be considered as withdrawn.

Our client greatly appreciates the hard work of City staff that had enabled the presentation of this settlement offer to City council.

Yours truly,

Goodmans LLP



David Bronskill
DJB/ bp

cc: Client