

CONFIDENTIAL APPENDIX A



February 25, 2022

Without Prejudice

Via Email (Joanna.Wice@toronto.ca; Matthew.Longo@toronto.ca)

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Dear Ms. Wice and Mr. Longo:

**Re: Without Prejudice Settlement Offer
335 Yonge Street
City of Toronto Application No. 19 249699 STE 13 OZ
Ontario Land Tribunal Case No. PL200329**

We are counsel to 2160943 Ontario Inc., the registered owner of the property municipally known in the City of Toronto (the "**City**") as 335 Yonge Street (the "**Property**").

On November 15, 2019, our client submitted applications for an Official Plan Amendment and amendments to City of Toronto Zoning By-laws No. 438-86 and 569-2013 for the Property to the City (the "**Applications**"). The Applications were deemed complete as of March 5, 2020, and City Council refused the Applications on July 28, 2020. Our client appealed Council's refusal to the Local Planning Appeal Tribunal (now "**Ontario Land Tribunal**") on August 7, 2020. On November 8, 2021, our client also submitted an application for draft Plan of Subdivision approval respecting the Applications.

Since appealing Council's refusal, our client has been engaged in formal mediation and informal settlement discussion with City staff. As an outcome of these discussions, please accept this letter as an offer of settlement of our client's appeal.

Background

The Property is located in the Downtown Core, at the southeast corner of Yonge Street and Gould Streets. This area is one of the most vibrant of the City. In addition to being located in close proximity to Yonge Dundas Square and the Toronto Eaton Centre, the Property is directly adjacent to the Ryerson Student Centre, Dundas Station, and the retail, office and entertainment complex at 10 Dundas St. E.

The Applications, as originally submitted to the City in 2020, contemplated a 30-storey (106.0 metres, including mechanical penthouse) mixed-use building comprised of a residential tower atop a 4-storey podium which contained, among other things, approximately 2,096 square metres of commercial/retail space on the first three levels and first level below grade. A total of 165 residential dwelling units were proposed, including 26 studio units, 70 one-bedroom units, 52 two-bedroom units, and 17 three-bedroom units. No vehicular parking spaces and 222 bicycle parking spaces were proposed.

Description of Revised Development

The proposed development, as revised through this settlement offer and shown in the attached plans, consists of mid-rise building that is generally consistent in height with the adjacent Ryerson Student Centre. This 16-storey proposal consists of 3 levels (1,604 sq. m.) of commercial/retail space located in the B1, ground and second storey, with an additional 14 levels (5,482 sq. m.) of residential space. A total of 74 residential rental units are proposed by the revised development, consisting of 10, 1-bedroom units (15%), 56, 2-bedroom units (75%), and 8, 3-bedroom units (10%).

The revised development is conscious of the encouragement of active and alternative transportation within the City Official Plan. Being in one of the most walkable areas of the City, no vehicular parking spaces are proposed. This is consistent with the recent City Council approval of Item No.PH29.3 at its December 15, 2021 meeting, which recommended amendments to the City zoning by-laws to eliminate most requirements for new developments to provide a minimum number of parking spaces. 95 bicycle parking spaces are proposed by the revised development. Knock-out panels are proposed to facilitate a future TTC Connection at Dundas Station. One Type "G" loading space is provided with access through O' Keefe Lane. This loading space is proposed pursuant to easements benefiting our client from the adjacent property at 10 Dundas St. E.

Settlement Offer

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

1. This settlement offer is based on the revised plans enclosed, which would be implemented through the resulting Official Plan and Zoning By-law amendments;
2. The revised plans incorporate the following revisions:
 - a. A substantial reduction in proposed building height from 30 to 16 storeys;
 - b. An increase in the proportion of 2- and 3-bedroom units to 85% of the proposed units;

- c. A 7.5 metre setback above the 5th storey of the building on the Yonge St. frontage, enabling a consistent streetwall on Yonge Street between Dundas St. and Gould St.;
- d. A 2.0 metre setback above the 6th storey of the building along the Gould St. frontage;
- e. A 136 sq. m. outdoor/pet amenity space and 190 sq. m. indoor amenity space located at the 6th storey of the building;
- f. A revision of the number of bicycle parking spaces from 222 spaces to 95 spaces, reflective of the significant reduction in the number of residential units proposed;
- g. Knock-out panels to facilitate a future TTC connection to Dundas Station; and
- h. A revision to the loading area to facilitate servicing vehicles exiting forward to Gould Street from O'Keefe Lane, as requested by City staff.

Our client agrees that, in the event City Council accepts this without prejudice settlement offer, the final Order of the Ontario Land Tribunal, would be withheld pending:

1. Confirmation that the required Official Plan Amendment and zoning by-law amendments are in final form and content to the satisfaction of the Chief Planner and Executive Director, City Planning;
2. That our client, 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; and
3. That the design and implementation of municipal infrastructure shall be at our client'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.

Accordingly, we are requesting that City Council accept this Offer to Settle. 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.

Yours truly,

Cassels Brock & Blackwell LLP

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

Signe Leisk
Partner

SL/JE
Enclosures
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