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April 29, 2022
File No.: 139209.1006

With Prejudice
By E-mail

City of Toronto
Legal Services
Metro Hall
55 John Street, 26th Floor
Toronto, ON M5V 3C6
Attention: Ms. Sarah O'Connor

Dear Ms. O'Connor:

Re: OLT Case No. PL210319
5203-5215 Yonge Street & 11 Parkview Avenue
With Prejudice Settlement Offer

We are counsel to 5205 Yonge Inc. in respect of the proposed redevelopment of its property at 5203-5215 Yonge Street and 11 Parkview Avenue, Toronto (the "**Property**").

Our client filed appeals of its Official Plan and Zoning By-law Amendment applications, which are currently proceeding before the Ontario Land Tribunal (the "**Tribunal**") under OLT Case No. PL210319 (the "**Appeals**"), with a Case Management Conference scheduled May 30, 2022.

On behalf of our client, we are pleased to write this letter to present the settlement offer described herein as the basis for resolving the Appeals (the "**Settlement Offer**").

Our client and its consultant team have made a concerted effort to address the issues raised by City staff. The proposal set out in the Settlement Offer represents a comprehensive response to City staff's concerns and seeks to resolve the Appeals on the following terms:

1. The applicant shall revise, and the City shall support, the development proposal for the Property substantially in accordance with the enclosed drawings, prepared by IBI Group Architects (Canada) Inc., dated April 29, 2022, enclosed herewith (the "**Revised Drawings**"), and the particulars of the development proposal as provided in Paragraph 2 herein (together with the Revised Drawings, the "**Revised Development Proposal**"). In the event that there is a conflict between the Revised Drawings and the Revised Development Proposal as listed in Paragraph 2 herein, the particulars of the Revised Development Proposal as provided in Paragraph 2 will take precedence.
2. The mixed-use building on the Property (the "**Building**") will be comprised of the following:
 - (a) The Building will incorporate the setbacks, stepbacks, and reveals that are shown in the Revised Drawings, which address the concerns raised by Planning and Urban Design staff in relation to the massing of the Building and its interaction with the public realm along Yonge Street, Parkview Avenue, and the rear lane;

- (b) Any balconies in the Building will be broken up in a manner that does not add to the bulk of the massing, and with respect to permitted encroachments:
 - (i) Balconies from the base building will not encroach into the required setbacks shown on the Revised Drawings;
 - (ii) Balconies from the tower facing Yonge Street and Parkview Avenue may project up to 1.5 metres into the required setbacks shown on the Revised Drawings; and
 - (iii) Balconies from the tower facing south may project up to 1.0 metres into the required setback shown on the Revised Drawings;
 - (c) At least one floor of the podium of the Building will be dedicated to non-residential uses, addressing staff's desire for a greater non-residential component in the land use mix;
 - (d) The Building will achieve the targets for unit mix by bedroom count, as set out in the City's Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines;
3. A 1.17 metre strip of land will be dedicated along the rear of the Yonge Street portion of the Property for the widening of the existing lane to be conveyed as a condition of site plan approval;
4. The portion of the Property at 11 Parkview Avenue (564.3 m²) will be dedicated as parkland in full satisfaction of the owner's obligations under Section 42 of the *Planning Act*, with the 374.01 m² over-contribution of parkland being recognized as a density incentive as set out in Paragraph 6 below. The conveyance of this parkland will be prior to the issuance of the first above-grade building permit (excluding building permits for any sales office), with delivery of the finished park to be prior to the registration of a condominium on the Property, and until that time, such lands may be used for construction staging and related purposes, subject to obtaining a license and occupancy agreement on terms acceptable to the City and at a cost to be charged in the same manner as set out in Municipal Code Chapter 441 (Fees and Charges), Appendix C - Schedule 2, Transportation Services, Ref. No. 38 describing fees to temporarily occupy a portion of sidewalk or boulevard, or, as otherwise may be agreed between the parties, and to the satisfaction of the General Manager, Parks, Forestry and Recreation;
5. Pursuant to Section 37 of the *Planning Act*, prior to the issuance of the first above-grade building permit for the Building (excluding building permits for any sales office), the owner shall provide to the City a monetary contribution toward the cost of the North York Central Library Revitalization and/or towards the provision of needed park-based facilities as identified in the Parks and Recreation Facilities Master Plan Implementation Strategy, in an amount equal to **\$3,276,230.00**, indexed upwardly in accordance with Statistics Canada's Construction Price Index (being the Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01 or its successor) calculated from the date of final approval of the zoning by-law amendment to the date of payment; and
6. On-site density incentives to be secured in connection with the approval include:
- (a) Indoor amenity space of up to 1.5 m² per unit;
 - (b) Over-contribution of parkland in the amount of 374.01 m²;
 - (c) Mezzanine level bicycle parking of 240 m²; and

- (d) Grade-related retail in the amount of 250 m².

This Settlement Offer will remain open until the end of the City Council meeting scheduled to commence on May 11, 2022.

We trust that you will forward the terms of this final Settlement Offer for City Council's review and consideration at its meeting commencing May 11, 2022.

Yours truly,



For: Calvin Lantz

CL/jsc

Enclosures

cc. Gabriela Dedelli, *City of Toronto*
Jonathan S. Cheng, *Stikeman Elliott LLP*
Michael Goldberg, *Goldberg Group*
Client