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December 1, 2022

Via Email (sarah.oconnor@toronto.ca)

**Without Prejudice**

Toronto City Council  
c/o Sylwia Przewdziecki, City Clerk's Office  
Toronto City Hall, 12th Floor, West Tower  
100 Queen Street West  
Toronto, ON M5H 2N2

Sarah O'Connor, Solicitor  
City of Toronto Legal Services, Planning &  
Administrative Tribunal Law Section  
Metro Hall, 55 John Street, 26th Floor  
Toronto ON M5V 3C6

To Whom it May Concern:

**Re: Settlement Offer – 53-55 Yonge Street  
Ontario Land Tribunal Case Nos. OLT-22-002205 and OLT-22-002207  
City of Toronto Planning Application No. 21 129226 STE 13 OZ**

We are the solicitors for 53 Yonge Portfolio Inc. and 55 Yonge Portfolio Inc. (the “**Owner**”), the owner of the property municipally known as 53-55 Yonge Street (the “**Subject Property**”) in the City of Toronto (the “**City**”).

The Owner filed an application to amend the City's Zoning By-law No. 569-2013 and Zoning By-law No. 438-86, which was deemed complete as of March 19, 2021 (City Application No. 21 129226 STE 13 OZ – collectively, the “**Application**”).

On January 11, 2022, the Owner appealed the Application to the Ontario Land Tribunal (the “**Tribunal**”), pursuant to subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13 (Tribunal Case Nos. OLT-22-002205 and OLT-22-002207 – collectively, the “**Appeal**”). In its decision dated July 22, 2022, the Tribunal set a five-day hearing of the Appeal to commence on February 27, 2023.

Further to our discussions with City Staff and the other parties to the Appeal, we write to make a without prejudice offer to settle the Appeal with the City in its entirety (the “**Settlement Offer**”). The Settlement Offer terms are as follows:

**1. Built Form and Urban Design**

The zoning by-law amendment will permit the proposed mixed-use development (the “**Development**”), generally in accordance with the set of plans and drawings which is

attached hereto as Schedule “A” (the “**Settlement Plans**”).<sup>1</sup> The Settlement Plans, prepared by BDP Quadrangle Architects Limited and Partisans Architects, reflect award-winning urban design standards and practices.

The façade of the Development is a high-performance responsive facade that drapes over the massing of the building, blending the podium and tower together with a consistent aesthetic. The Development’s unique façade design was admired and described by the City’s Design Review Panel as, “seductive”, “enticing”, “beautiful”, and “ambitious”.

The Settlement Plans were also awarded an International Architecture Award at the 2022 International Architecture Awards, held by The Chicago Athenaeum International Museum of Architecture and Design, and by The European Centre for Architecture Art Design and Urban Studies.<sup>2</sup> The International Architecture Awards are held every year to recognize significant and inspirational building and urban planning projects around the world. The International Architecture Award recognized the Development’s cohesive and contemporary high-rise design:

*“The facade of 55 Yonge marries the podium and tower into a single sinuous gesture, by treating the facade as a fabric — a delicate lace that drapes over the structure.*

*The pattern of the exterior panels is designed to adapt and modulate solar gain, by shifting the pattern depending on its location on the building. At its crown, the tower culminates in a series of stepped terraces offering spectacular views, which have been sculpted to minimize shadow impacts on the grounds of a nearby landmark place of worship, The Cathedral Church of St. James. The building’s facade gracefully touches the ground-level on 26- foot-tall, tapered columns, that frame large expanses of glass, allowing the street to extend into the grand lobby.”*

Following discussions with City staff, the Settlement Plans also include the following attributes:

- (a) a reduced maximum tower height of 66 storeys (excluding the mechanical penthouse);
- (b) modifications to the top of the tower, which has been sculpted to eliminate any shadow impacts on The Cathedral Church of St. James;
- (c) an increased base building setback along Yonge Street, which has been modified to contribute to a positive public realm and to enhance the Yonge Street streetscape;

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<sup>1</sup> For greater clarity, the Settlement Plans represent the offer to settle the appeal of the Applications, and not the Owner’s application for site plan approval for the Subject Property (City Planning Application No. 22 138985 STE 13 SA). Any site plan level details on the Settlement Plans are for illustration purposes only.

<sup>2</sup> The Chicago Athenaeum International Museum of Architecture and Design, “55 Yonge Street | Toronto, Ontario, Canada | 2021” (2022), online: <https://www.chi-athenaeum.org/the-2022-international-architecture-awards/2022/08/10/55-yonge-street-toronto,-ontario,-canada-2021/>.

- (d) a tower separation distance of 10 metres between the tower and the southerly property line;
- (e) the provision of a total of 15% of the residential units as convertible to two- and three-bed units; and,
- (f) the provision of knock-out panels for a connection from the underground portion of the Development to the King Toronto Transit Commission subway station and/or the PATH underground pedestrian walkway network.

The Settlement Plans included alongside this Settlement Offer, if accepted by City Council, are intended to amend the plans previously submitted to the Tribunal for the Appeal.

We are recommending that City Council authorize that the Settlement Plans may potentially be further modified with such revisions to the ground floor plan and parking and loading area as the Owner may request and as the Chief Planner may consent to as settlement discussions with adjacent neighbours continue.

## **2. Visitor Parking**

The zoning by-law amendment implementing the Settlement Plans will be written include the following mutually exclusive options for visitor parking:

- (a) the provision of a total of seven visitor parking spaces; or,
- (b) the provision of zero visitor parking spaces if the Owner elects to install a vehicle parking elevator for use by the residents of the Development.

## **3. Conditions to the Issuance of a Final Order**

The Owner consents to the withholding of the Tribunal's Final Order approving the zoning by-law amendment that implements the Settlement Plans until the following matters are satisfied:

- (a) the zoning by-law amendment implementing the Settlement Plans being in a final form, satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning Division;
- (b) the Owner submitting revised engineering reports (including a revised Functional Servicing Report, Stormwater Management Report, and Hydrogeological and Foundation Drainage Investigation Report) to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with Toronto Water;
- (c) the Owner designing and providing financial security for any required municipal infrastructure upgrades (should it be determined that upgrades are required); and,

- (d) the Owner addressing all outstanding issues raised by the Toronto Transit Commission, including the determination of the necessary setbacks from Toronto Transit Commission infrastructure.

**4. Settlement Offer Conditions**

This proposed settlement agreement is conditional on:

- (a) City Council conditionally accepting this Settlement Offer during its meeting scheduled for December 14, 2022; and,
- (b) the City consenting to the Owner requesting a settlement hearing for the Appeal, to be held on a date to be scheduled as soon as possible, for the issuance of a Final Order, pending the satisfaction of the conditions listed above in section 3, that approves the Settlement Plans and the final form of the zoning by-law amendment.

This Settlement Offer is made without prejudice and replaces all settlement offers sent previously. Should the Settlement Offer be accepted by City Council, it may be released publicly. Should you require further information please do not hesitate to contact the undersigned.

Sincerely,

**McCarthy Tétrault LLP**

Michael Foderick  
Partner

Attachment