

Stikeman Elliott

Stikeman Elliott LLP
Barristers & Solicitors
5300 Commerce Court West
199 Bay Street
Toronto, ON Canada M5L 1B9

Main: 416 869 5500
Fax: 416 947 0866
www.stikeman.com

Calvin Lantz
Direct: +1 416 869 5669
clantz@stikeman.com

March 7, 2023
File No.: 150113.1001

Without Prejudice
By E-mail
daniel.elmadany@toronto.ca
mark.piel@toronto.ca

Planning and Administrative Law
City of Toronto
Metro Hall,
55 John Street, 26th Floor
Toronto ON M5V 3C6
Attention: Mr. Daniel Elmadany and Mr. Mark Piel,
City Solicitors

Dear Sirs:

Re: OLT-22-002502 (Legacy Case No. PL190357)
409-415 Yonge Street & 9-17 McGill Street, Toronto
Without Prejudice Settlement Offer

We are counsel to 415 Yonge Holding Ltd. (the "**Client**"), the owner of the property municipally known as 409-415 Yonge Street & 9-17 McGill Street, Toronto (the "**Property**").

Our Client has appealed to the Ontario Land Tribunal (the "**Tribunal**") the applications for an Official Plan Amendment and a Zoning By-law Amendment. These applications provide an opportunity to address the issues with Turko Park and residential intensification in the downtown core.

The proposed Official Plan Amendment (the "**OPA**") is required to amend Map 18 of the Official Plan by redesignating the portion of the lands currently occupied by the McGill Parkette from a *Parks* designation to a *Mixed Use Areas* designation. The proposed OPA is also required to amend Maps 41-3 and 41-3-C of the Downtown Plan to add a *Mixed Use Areas 2 – Intermediate* designation to the portion of the lands currently occupied by the McGill Parkette. An amendment to Chapter 7 of the Official Plan, Site and Area Specific Policies:

A mixed-use tall building within the lands known municipally as 409-415 Yonge Street and 9 and 17 McGill Street having a maximum height of 230.5 metres, including any mechanical penthouse, a minimum tall building setback of 10 metres from its south property line shared with the lands municipally known as 407 Yonge Street, a minimum tall building setback of 13.5 metres from its south property line shared with the lands known as 20 Gerrard Street East, and a minimum tall building setback of 10.0 metres from its east property line shared with 20 Gerrard Street East, is permitted.

In an effort to address the issues raised regarding block planning for tower placement, the proposed OPA captures the lands to the south in order to identify minimum setbacks to proposed tower locations on 20 Gerrard Street East and 19-21 McGill Street, Toronto (Covenant House Lands) and 399-405 Yonge Street, Toronto (399Y Corporation Lands). This is proposed through an amendment to Chapter 7 of the Official Plan, Site and Area Specific Policies. This Settlement Offer for my Client does not request City

Council provide direction with respect to this part of the OPA and the Settlement Offer for my Client does not preclude further consideration by the Tribunal of the OPA for the Covenant House Lands and/or the 399Y Corporation Lands.

A Zoning Amendment to City-wide Zoning Bylaw 569-2013, as amended, will be required in order to increase the permitted height and density and to revise other development regulations as necessary to accommodate the proposed development. While the existing McGill Parkette is subject to former City of Toronto Zoning By-law 438-86, an amendment to that By-law is not required due to OLT approvals of the City-wide Zoning By-law 569-2013. The proposed Zoning Amendments would bring this portion of the Property into By-law 569-2013.

Leading up to December 22, 2017 when applications were first filed and since then, our Client has engaged in discussions and OLT led mediation with City staff and neighbouring land owners in an effort to resolve the issues.

We are pleased to present our Client's settlement offer with respect to the Appeals. This letter together with the attachments set out the terms for resolving the Appeals (the "**Settlement Offer**"):

1. the redevelopment of the Property will be substantially in accordance with the Revised Architectural Drawings and an updated Shadow Study, prepared by Kirkor Architects, dated February 27, 2023, and attached as Appendix "A" to this letter (the "**Revised Scheme**"). The Revised Scheme includes the following:
 - (a) the proposed building will have a maximum Residential GFA of 44,500 square metres, a minimum Office GFA of 5,300 square metres, a minimum retail GFA of 218 square metres and a total combined GFA for residential and non-residential uses of 51,000 square metres;
 - (b) the proposed tower will have a maximum height above grade of 230.5 metres, inclusive of the mechanical penthouse, but excluding the height needed for window washing equipment, lightning rods and antennae (6.5 metres), and mechanical vents, railings, safety structures, parapets, elements and structures associated with a green roof and access to maintain the green roof (3 metres), no other vertical projections will be permitted in the zoning by-law;
 - (c) proposed is a maximum of 105 below grade parking spaces and a minimum of 3 short term pick-up and drop-off parking spaces at grade. The three at grade parking spaces will not count towards the minimum visitor parking requirements. Priority for the below grade parking spaces will be for visitor and accessible parking spaces;
 - (d) the proposed tower setback from the property line abutting Yonge Street will be a minimum of 4.5 metres recognizing the existing property line jog along Yonge Street frontage of the Property which is further setback 3.05 metres from adjacent properties to collectively achieve a minimum 7.55 metres from where the typical building frontage property line exists along Yonge Street;
 - (e) Proposed outdoor and indoor amenity space will be provided in compliance with the City wide Zoning By-law 569-2013; and
 - (f) Notwithstanding what is shown on the Revised Scheme, a minimum of 15% of the total number of units as two bedroom units, a minimum of 10% of the total number of units as three bedrooms units and an additional 15% per cent of the total number of units will be a combination of two bedroom and three bedroom units, or units that can be converted to

two and three bedroom units through the use of accessible or adaptable design measures.

2. There will be a fee simple dedication of land for a public lane widening along the eastern and southern property lines to achieve a minimum public lane width of 6 metres, to be shown in the Zoning By-law Amendment Map and secured through the Site Plan Approval process.
3. There will be a dedication of a 5.0 metre wide surface easement along the northern side of the site abutting Turko Park as a Privately-Owned Publicly Accessible Space, as shown on the Revised Scheme and to be shown in the Zoning By-law Amendment Map and secured through the Site Plan Approval process.
4. Privacy screening on the outdoor amenity space facing the Covenant House Lands will be provided to the satisfaction of the Chief Planner and Executive Director, City Planning Division as determined and secured through the Site Plan Approval Process.
5. Our Client commits to working with the City to provide traffic calming measures on McGill Street, Granby Street and/or Sheard Street through the Site Plan Approval Process. To facilitate this request, our client understands that Council direction may be required for a number of matters to the General Manager, Transportation Services to evaluate. Therefore, our Client requests that:
 - (a) Council to direct the General Manager, Transportation Services to evaluate speed limit reductions in the area, and if determined to be not feasible, to evaluate the potential for the appropriate location of speed calming measures;
 - (b) Council to direct the General Manager, Transportation Services to evaluate whether a no stopping zone should be implemented on Sheard Street;
 - (c) Council to direct the General Manager, Transportation Services to evaluate the feasibility of whether a raised tabletop pedestrian crossing with the installation of pedestrian crossing warrants or stop signs, as may be appropriate, is required at specific intersections in the surrounding area as may be identified in the accepted revised Transportation Impact Study.
6. The City and our Client will seek the Tribunal's approval of an OPA and ZBA to permit the proposed development in accordance with the Revised Scheme and the terms of the letter herein, with such instrument(s) being in a form satisfactory to the City and our Client.
7. Our Client acknowledges and consents to the inclusion of the following conditions to the Order of the OLT on the approval of the Appeals:
 - (a) the conditions to the OLT issuance on Order of the OPA and ZBA:
 - (i) the final form and content of the Official Plan Amendment and Zoning By-law Amendment is satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - (ii) submission of a revised Functional Servicing Report, including confirmation of water and fire flow, sanitary and storm water capacity, Storm Water Management Report and Hydro-geological Report (the "**Engineering Reports**") that are satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;

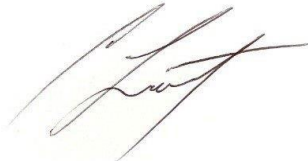
- (iii) the final Engineering Reports accepted by the Chief Engineer and Executive Director, Engineering and Construction Services do not require changes to the Zoning By-law Amendment or any required changes have been made to the Zoning By-law Amendment to the satisfaction of the Chief Planner and Executive Director, City Planning, the City Solicitor and the Chief Engineer and Executive Director, Engineering and Construction Services;
- (iv) should it be determined that any improvements, upgrades, or new municipal infrastructure are necessary to support the development in the accepted Engineering Reports, the design and the provision of financial securities for those improvements, upgrades or new infrastructure have been secured to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
- (v) submission of a revised Transportation Impact Study acceptable to, and to the satisfaction of, the General Manager, Transportation Services to implement item number 5 of the terms of this Settlement Offer Letter and the Engineer & Construction Services Memorandum provided by the City of Toronto dated February 23, 2023.

Please find enclosed:

1. The Revised Architectural Drawings and Statistics, prepared by Kirkor Architects, dated February 27, 2023; and
2. The Updated Shadow Study, prepared by Kirkor Architects, dated February 27, 2023.

We trust that you will forward the terms of this final Settlement Offer for City Council's review and consideration at its meeting commencing on March 29, 2023. We look forward to receiving your response. Please contact the undersigned if you wish to discuss further.

Yours truly,



CL/dy

Enclosures

cc. Donya Yarahmadi, *Stikeman Elliott LLP*
Client