

May 30, 2023

File no.: 571462-06

Without Prejudice and Confidential

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

Attention: Ms. Amanda Hill

Dear Ms. Hill:

**Re: Offer to Settle: Mizrahi Development Group (The One) Inc.
Zoning By-law Amendment, 1-11 Bloor Street West
OLT Case No. OLT-22-004580**

We are counsel to Mizrahi Development Group (The One) Inc., the owner (the "**Owner**") of the property municipally known as 1-11 Bloor Street West (the "**Property**").

This offer to settle is being made in respect of the above noted Zoning By-Law Amendment application, originally proposed to increase the maximum permitted building height by an additional 9-storeys, totalling 94-storeys (the "**Application**"). The Application is subject to the above noted appeal (the "**Appeal**") at the Ontario Land Tribunal (the "**Tribunal**"). This offer to settle proposes to reduce the height and provides community benefits in the form of an art program at The One (the "**Offer to Settle**").

As you know, the original zoning by-law amendment application was settled and approved at the Tribunal on April 18, 2017. The original zoning by-law amendment application was approved for an 85-storey mixed-use development, that includes approximately 59,911 square metres of residential gross floor area, with a total of 416 dwelling units, and 17,662 non-residential gross floor area. The Property is subject to two site-specific by-laws. The site-specific by-laws include By-law 684-2020, which amended Zoning By-law 438-86, and By-law 685-2020, which amended Zoning By-law 569-2013 (collectively, the "**Site-Specific By-laws**"). The Site-Specific By-laws set out the zoning provisions that permit the approved 85-storey mixed-use building with a maximum height of 306.9 metres.

The Application was submitted to the City of Toronto (the "**City**") on December 18, 2020. On September 22, 2022, the Owner appealed the Application to the Tribunal based on non-decision within the time frame set out in the *Planning Act*. The first case management conference ("**CMC**") for the Appeal was held before the Tribunal on May 12, 2023. A second CMC is scheduled for July 17, 2023.

With this Offer to Settle, the Owner is proposing to revise the Application to address City staff's concerns. The proposed revisions are conditional on City Council accepting this Offer to Settle prior to the conclusion

Should this Offer to Settle be accepted by City Council, the city and the Owner through its respective counsel will advise the Tribunal of the settlement. The Owner and the city would agree that the OLT withhold its Order until the City Solicitor has advised the proposed Zoning By-Law Amendment is in a satisfactory form and that a Section 37 Amending Agreement, implementing the Offer to Settle, has been registered on title.

arrangement as matters to be secured as a legal convenience in an amended Section 37 Agreement.

attached as **Appendix 3**. The Owner is willing to incorporate some of the elements of this to the Bloor-Yorkville art ecosystem. The letter of intent between the Owner and Artscape is creativity and contribute to Toronto's broad arts and culture scene and providing localized benefits the Artscape Program, including residency. The goal of the Artscape Program is to make space for various Artscape initiatives that benefit the broader community. The Owner will assume costs of artist will lead and mentor the four emerging artists throughout the residency and will participate in established international and/or Canadian artist and four emerging artists. The selected established showcase their work. The residency provides working and living space for a set period, to one in the form of an art program (the "Artscape Program"). The Artscape Program will be central to the hotel brand located at The One, with artist residents having allocated space to publicly

showcase their work. The residency provides working and living space for a set period, to one established international and/or Canadian artist and four emerging artists. The selected established artist will lead and mentor the four emerging artists throughout the residency and will participate in various Artscape initiatives that benefit the broader community. The Owner will assume costs of the Artscape Program, including residency. The goal of the Artscape Program is to make space for creativity and contribute to Toronto's broad arts and culture scene and providing localized benefits to the Bloor-Yorkville art ecosystem. The letter of intent between the Owner and Artscape is attached as **Appendix 3**. The Owner is willing to incorporate some of the elements of this arrangement as matters to be secured as a legal convenience in an amended Section 37 Agreement.

4. The Owner proposes to enter a partnership with Artscape Atelier to facilitate the community benefit in the form of an art program (the "Artscape Program"). The Artscape Program will be central to the hotel brand located at The One, with artist residents having allocated space to publicly showcase their work. The residency provides working and living space for a set period, to one established international and/or Canadian artist and four emerging artists. The selected established artist will lead and mentor the four emerging artists throughout the residency and will participate in various Artscape initiatives that benefit the broader community. The Owner will assume costs of the Artscape Program, including residency. The goal of the Artscape Program is to make space for creativity and contribute to Toronto's broad arts and culture scene and providing localized benefits to the Bloor-Yorkville art ecosystem. The letter of intent between the Owner and Artscape is attached as **Appendix 3**. The Owner is willing to incorporate some of the elements of this arrangement as matters to be secured as a legal convenience in an amended Section 37 Agreement.

3. The Owner proposes to contribute an additional 2 million dollars (indexed from the date of City Council's approval of this Settlement Offer), paid within 30 days of the issuance of the OLT's Order for the additional 6 stores, by way of a Section 37 Amending Agreement to the original Section 37 Agreement that has been registered on title. Such contribution may be used for matters such as streetscape improvements, new and or capital improvements to affordable housing community facilities and parks within Ward 11.

2. The reduction in storeys aims to address concerns expressed by City staff related to shadow impacts. The Owner provides a shadow impact study (the "Shadow Impact Study") which illustrates the reduced shadows between the hours of 9:30am – 11:00am in 15-minute intervals. See attached at **Appendix 2**.

1. The Owner proposes to reduce the proposed development height from a 9-storey to a 6-storey addition. The reduction of additional storeys results in the proposed development totalling 91 storeys, with a height of 328.4 m (inclusive of the mechanical penthouse), and a total GFA of 82,946 m². The revised development statistics are attached as **Appendix 1**.

The Owner proposes the following revisions to the Application, which make up the Offer to Settle.

Proposed Revisions

the updated revised plans. Yorkville Residents' Association, and Toronto Standard Condominium Corporation No. 2208, respecting and confidential basis. We understand the continued need for engagement with the community and have communicated with other parties to the hearing, including the ABC Residents Association, the Greater of the Council meeting that is set to commence on June 14, 2023, and are provided on a without prejudice



We would be pleased to meet with you to review the details of this Offer to Settle. The Owner appreciates the hard work of City staff in getting this Offer to Settle to City Council for the June 14-16, 2023, meeting of Council. Should you require further information please do not hesitate to contact me.

Yours truly,

Dentons Canada LLP



Katarzyna Sliwa

Partner

KS/jj

Copy: Client