

OFFER TO SETTLE



May 26, 2023 **WITHOUT**

PREJUDICE

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

Attention: Ms. Jessica Braun

Dear Sirs/Mesdames:

Re: OLT Case No OLT-22-003987
351-365 Royal York Road

We act as legal counsel for 2711895 Ontario Inc., owner of a 0.41 hectare property located on the east side of Royal York Road, between Newcastle Street and Portland Street, known municipally as 351-365 Royal York Road (the “**Property**”). We are writing on behalf of our client with a without prejudice settlement offer in respect of the above-noted matter, which should be considered as open until the conclusion of the City Council meeting scheduled to commence on June 14, 2023.

As you know, our client engaged with you in without prejudice discussions with City staff over the last several month regarding the redevelopment proposal for the Property. Staff have requested certain revisions. These discussions have resulted in a number of matters being reviewed in detail and satisfied and now incorporated into a revised proposal (the “**Revised Proposal**”).

Policy Context for Property:

The Provincial Policy Statement (2020), the Growth Plan for the Greater Golden Horseshoe (2019) and the City of Toronto Official Plan support intensification on sites that are well-served by municipal infrastructure, and in particular higher order public transit infrastructure.

The Property is located within the Mimico Protected Major Transit Station Area as delineated by Official Plan Amendment No. 570, which was adopted by City Council on July 21, 2022 and is currently awaiting Ministerial approval. It is located approximately 210 metres north of the Mimico GO station, which represents a 4 minute walk.

The Property is designated *Mixed Use Areas* in the City of Toronto Official Plan, as are the lands to the north, east, south and west. The Official Plan directs that *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing.

The Property is located immediately adjacent to the Mimico-Judson Secondary Plan Area, a former *Regeneration Area* that has been redesignated to *Mixed Use Areas* where numerous high-rise apartment developments with heights up to 36-storeys have been approved.

Accordingly, the Property represents a suitable, appropriate and desirable location for intensification. The Revised Proposal will optimize currently underutilized lands in convenient proximity to higher order public transit infrastructure and high-rise and high-density developments, thereby contributing to significant provincial and municipal policy objectives.

The Revised Plans and Proposed Settlement:

The terms of the Proposed Settlement are as follows:

1. This Settlement Offer is based on the Revised Plans prepared by Graziani + Corazza Architects dated May 18, 2023. They are attached to this letter as Schedule “A” (the “**Revised Plans**”). These plan will be implemented through the resulting zoning by-law amendment.
2. Among other matters, the Revised Plans implement the following revisions based on discussions with City staff:

a. Relocation of Driveway northerly on Royal York Road and Redesign of Ground Floor:

- As requested by Transportation Staff, the driveway has been relocated from the south end of the ground floor to the north end of the ground floor to align with Simpson Avenue. This has resulted in considerable redesign of the ground floor, interior entrance details and a reconfiguration of uses and entry details, all of which now have been revised and reviewed by staff.
- The Type ‘G’ loading space has been relocated to the north end of the ground floor in a “T” configuration. Staging areas, a garbage room and back of house operations have been positioned adjacent to the loading space.
- The Owner has agreed to provide two retail spaces at grade, including one at the north end and another space at the south end of the ground floor.
- Residential units and the residential lobby have been located in the centre of the ground floor, with frontage along Royal York Road.
- The residential units fronting onto Royal York Road have been recessed from the street to distinguish them from the retail spaces and break up the ground floor into three distinct elements.
- A new indoor amenity room has been located at the south end of the ground floor facing the rear yard. A new outdoor amenity space has been located adjacent to the indoor amenity room within the rear yard.
- The elevators have been relocated to the south end of the building.

b. Level 2 Plan:

- As a result of relocating the loading space to the north end of the building, a 3-bedroom unit was created to allow for a larger terrace and additional light into the unit.
- The terrace adjacent to the three-bedroom unit has been raised by 1.1 metres to accommodate the required minimum vertical clearance of the loading space below. The height of this bump out was limited to 1.1 metres, which is equivalent to the height of the balcony railings along the terrace.
- The indoor amenity room was relocated from the south wing to the north wing. The outdoor amenity terrace remains in the same location, with access from the relocated indoor amenity room.

c. Underground Garage Plan:

- The P1 level has been reconfigured to accommodate the relocation of the driveway and garage ramp to the north end of the Subject Site.
- The P2 level has been reduced in size and the parking ratio has been revised to 0.4 spaces per unit.

d. Roof Plan:

- The mechanical penthouse, elevator and amenity vestibule have been relocated to the south end of the roof.
- The stair enclosure has been relocated to the north end of the roof.
- The outdoor amenity terrace has been reconfigured accordingly.

e. Section B-B:

- Due to the variation in grade from the north to the south end of the Property, the height of the ground floor has been slightly increased by 1.2 metres to accommodate the relocated driveway and loading space, which require minimum clearances of 4.5 metres and 6.0 metres, respectively.
- As a result of the slight increase in height of the ground floor, the building height has increased commensurate to the first floor height. The building continues to generally fall within the front angular plane, with minor penetrations.

f. Dwelling Units:

- In accordance with the Growing Up Guidelines, the Revised Proposal contains a minimum of 10% three bedroom units and 15% 2 bedroom units, totaling a minimum of 25% larger units.

g. Amenity Space:

- The Revised Plans include a minimum of 2.0 square metres of indoor amenity space per dwelling unit and 2.0 square metres of outdoor amenity space per dwelling unit.

h. Streetscape:

- City staff requested that the Owner consider two potential streetscape configurations along Royal York Road, including: 1) the existing configuration which includes the sidewalk in its current location; and 2) relocating the sidewalk east of the tree/landscape planters. Considerable work has been completed to demonstrate the feasibility of both options which are available pending further detailed design work for the site.
 - As requested, two streetscape options have been included in the Revised Landscape Plans prepared by MBTW Landscape Architects.
 - The final streetscape design will be determined through the Site Plan Control application on the Property.
3. The Zoning By-law Amendments shall be finalized to the satisfaction of the City Solicitor and Chief Planner and Executive Director, City Planning.
- The total gross floor area of all buildings and structures across the lands will be a maximum of 20,950 square metres, of which;
 - A maximum of 20,200 square metres is permitted to be residential uses; and
 - A minimum of 700 square metres is required to be non-residential uses.
 - The maximum height of all buildings and structures shall be 35.8 metres measured from established grade being the Canadian Geodetic Datum elevation of 96.63. The elevation is taken as an average between the north and south extents of the property, inclusive of the 3.44 metre road widening fronting Royal York Road. The maximum height of 35.8 metres does not include vertical projections such as but not limited to mechanical penthouses as set out in the Zoning By-law Amendment.
4. The parties agree to proceed together to the OLT to provide evidence in support of the revised ZBL and seek a decision approving the ZBL in principle. The parties also agree that the OLT can be spoken to in the event that difficulties arise upon implementing the decision.
5. The final Order of the OLT shall be withheld until the Tribunal is advised that a Revised Functional Servicing and Stormwater Management Report (“FSR Report”) has been completed to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and General Manager (“City Engineer”). In addition, in the event that any upgrades or improvements are required to the existing infrastructure identified in said

Revised Reports, then the Owner shall be required as part of satisfying this condition to have made arrangements to the satisfaction of the City Engineer and City Solicitor to ensure that appropriate securities will be provided to the City for any required works. The parties shall prepare a draft Order for the OLT.

6. The parties agree to continue processing of the existing Site Plan Application incorporating the Revised Plans contained in this Offer to Settle. Further, the parties agree to work cooperatively on finalizing review and approval of the FSR Report and any implementation required thereunder.

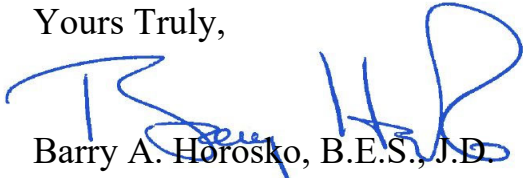
Enclosed with this Settlement Offer are the following digital materials:

- **Attachment 1:** Revised Plans and Memorandum, prepared by Graziani + Corazza Architects, dated May 18, 2023;
- **Attachment 2:** Architectural Memorandum, prepared by Graziani + Corazza Architects, dated May 18, 2023;

As noted above, this without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on June 14, 2023, at which point it should be considered as withdrawn if not accepted by City Council. Should Council resolve to accept the Offer, we hereby confirm that the Offer shall be treated as With Prejudice and on the record.

Our client acknowledges the work of City staff that has enabled working through the details of the original proposal, revisions determined and the presentation of this Settlement Offer to the City.

Yours Truly,



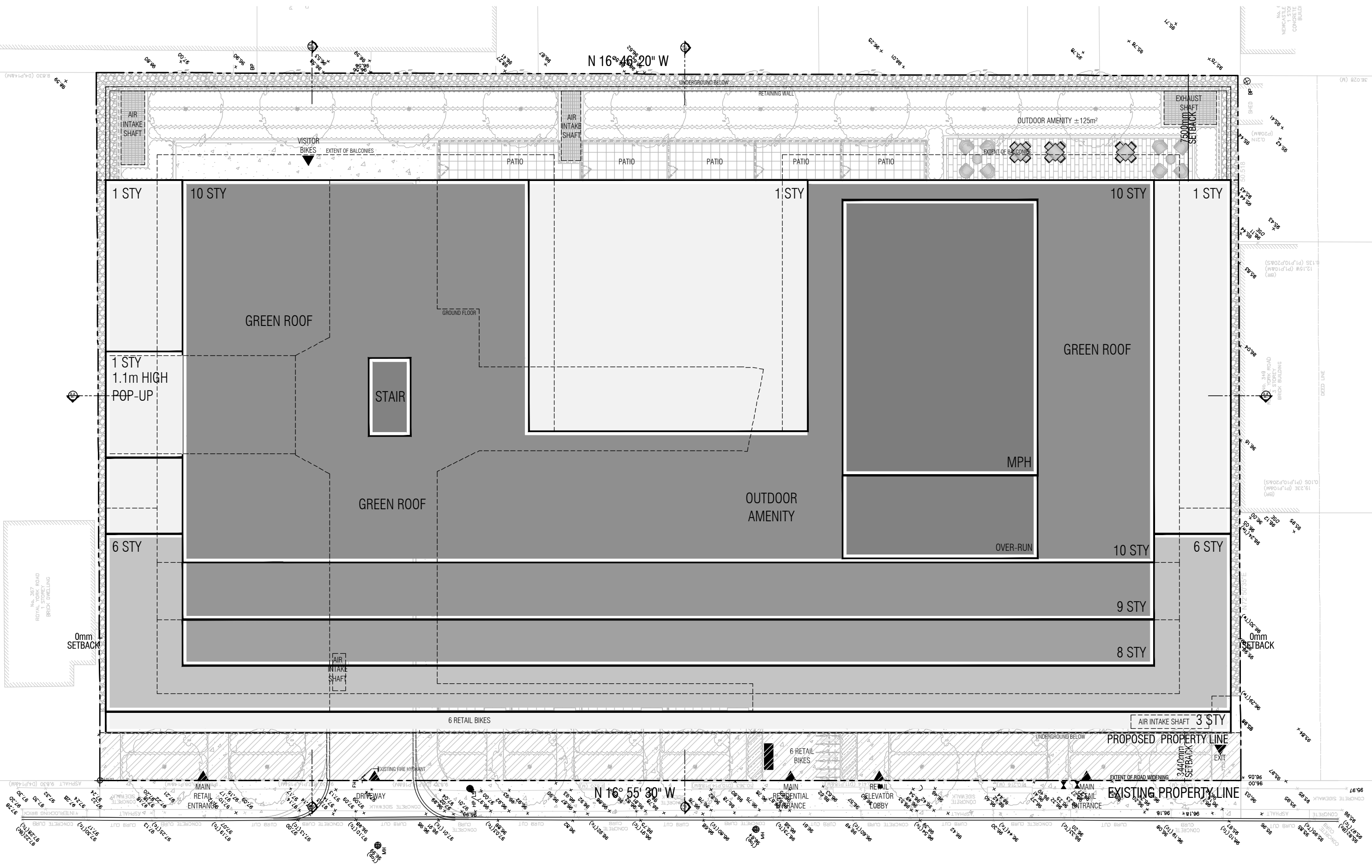
Barry A. Horosko, B.E.S., J.D.
Horosko Planning Law

Cc. Owners (TJ Rinomato & A. Prochillo)
Bousfields Inc. (David Morse)
G+C Architects (Enzo Corazza)
LEA Consulting (Kelsey Waugh)
MBTW (Christine Abe)
R. J. Burnside & Associates (Laura Garner)

Index of Attachments

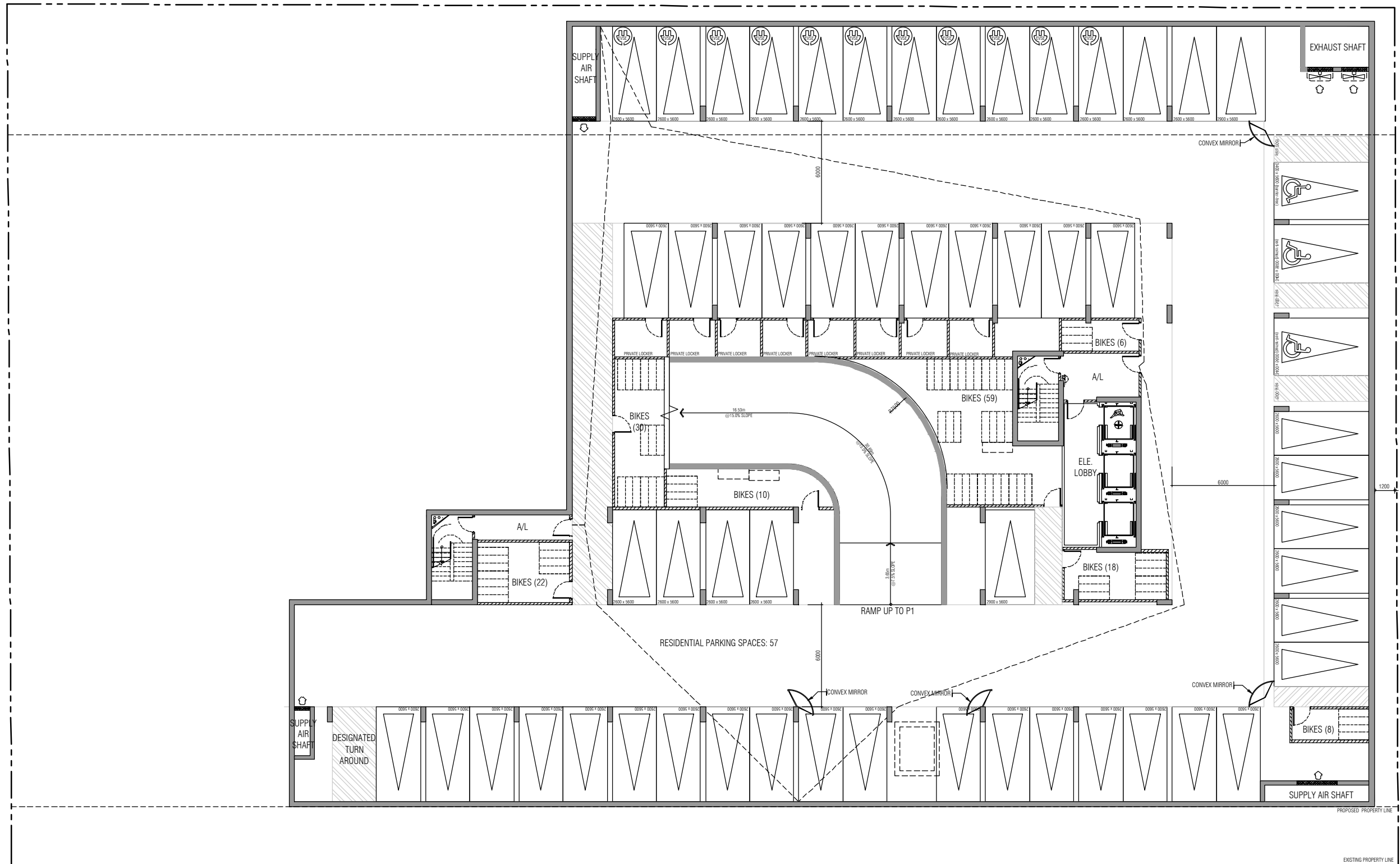
Attachment 1	Revised Plans, prepared by Graziani + Corazza Architects dated May 18, 2023;
Attachment 2	Architectural Memorandum prepared by Graziani + Corazza Architects, dated May 18, 2023;

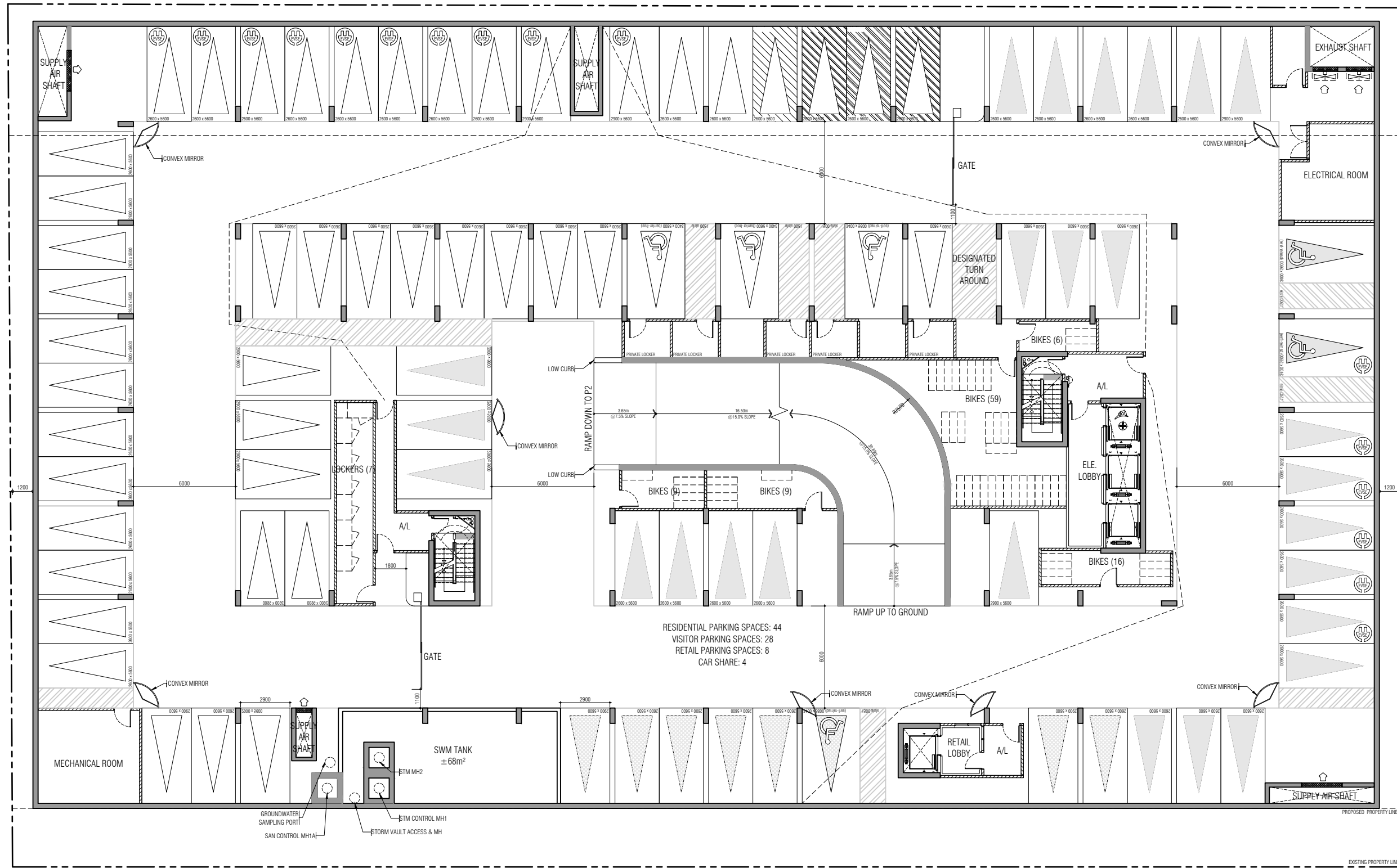
ATTACHMENT 1

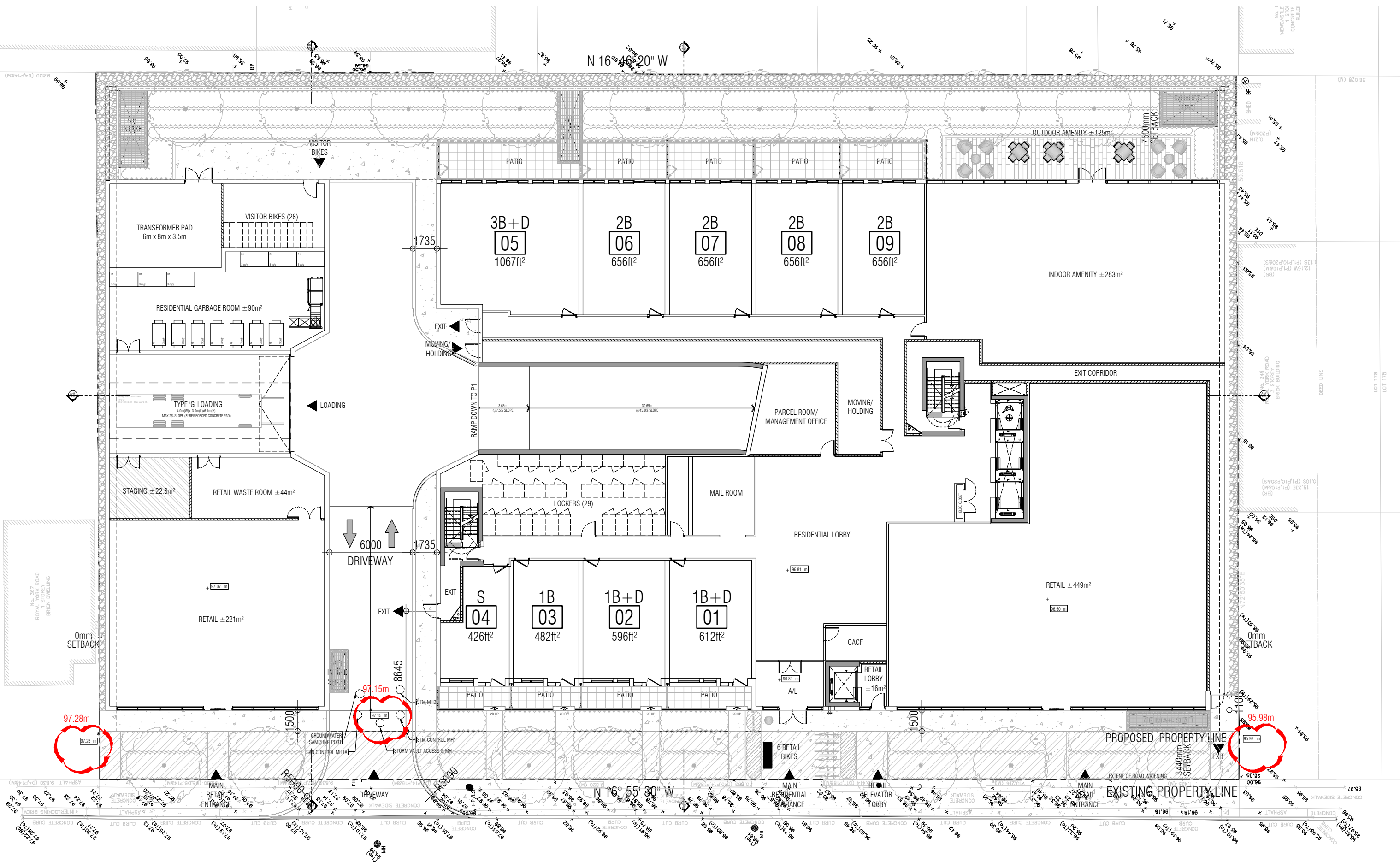


SITE PLAN

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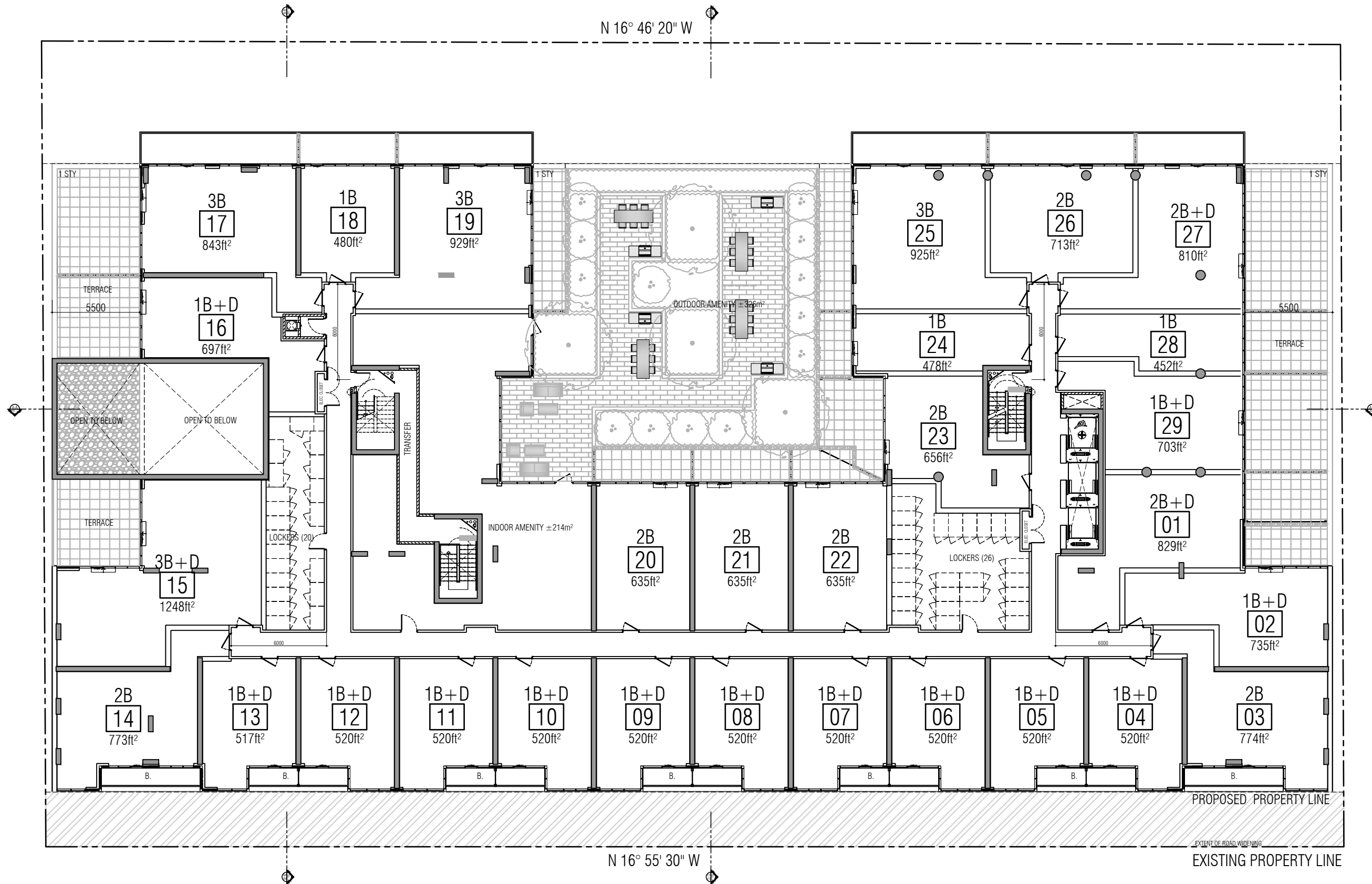




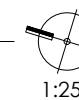


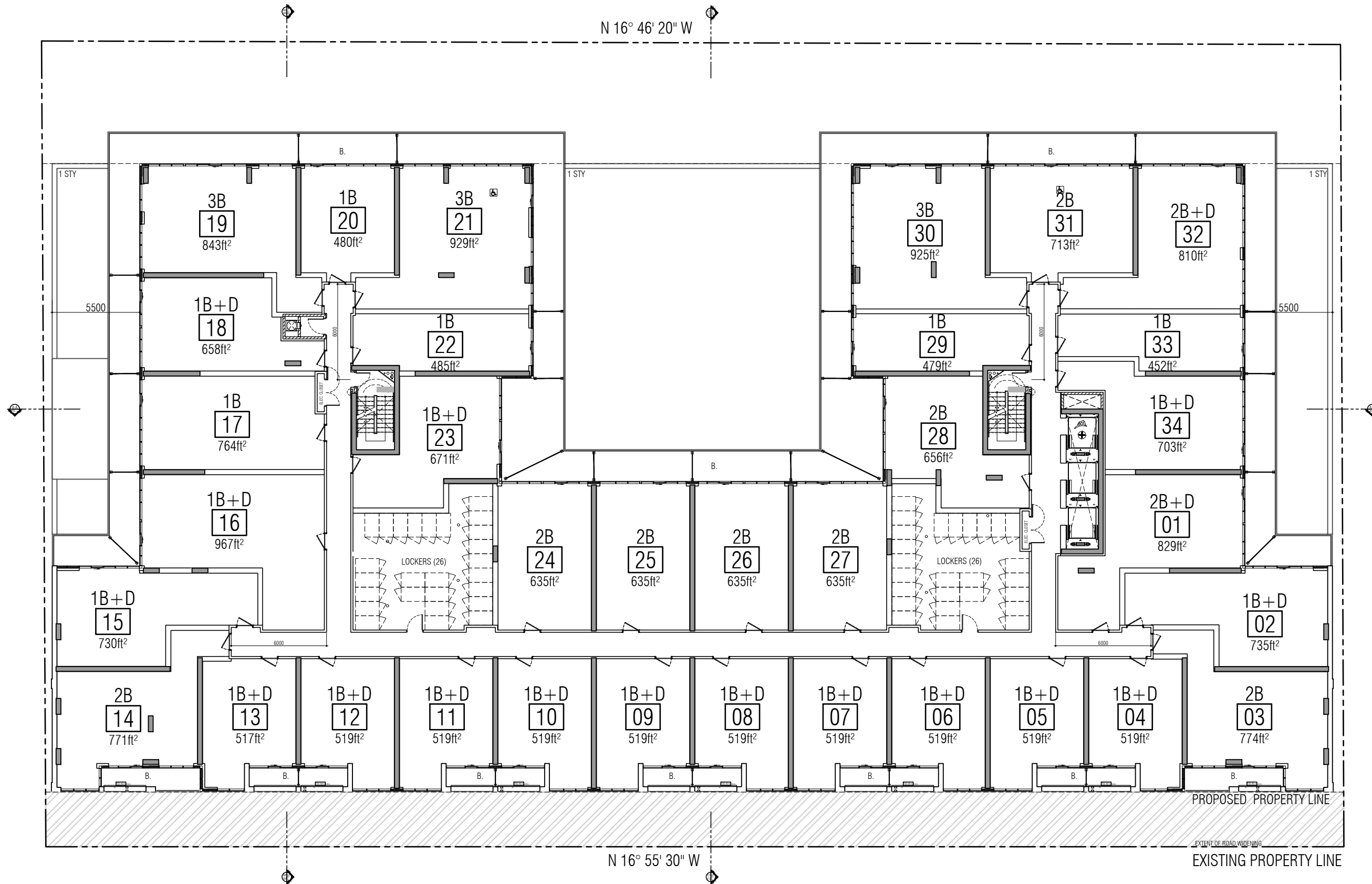
GROUND

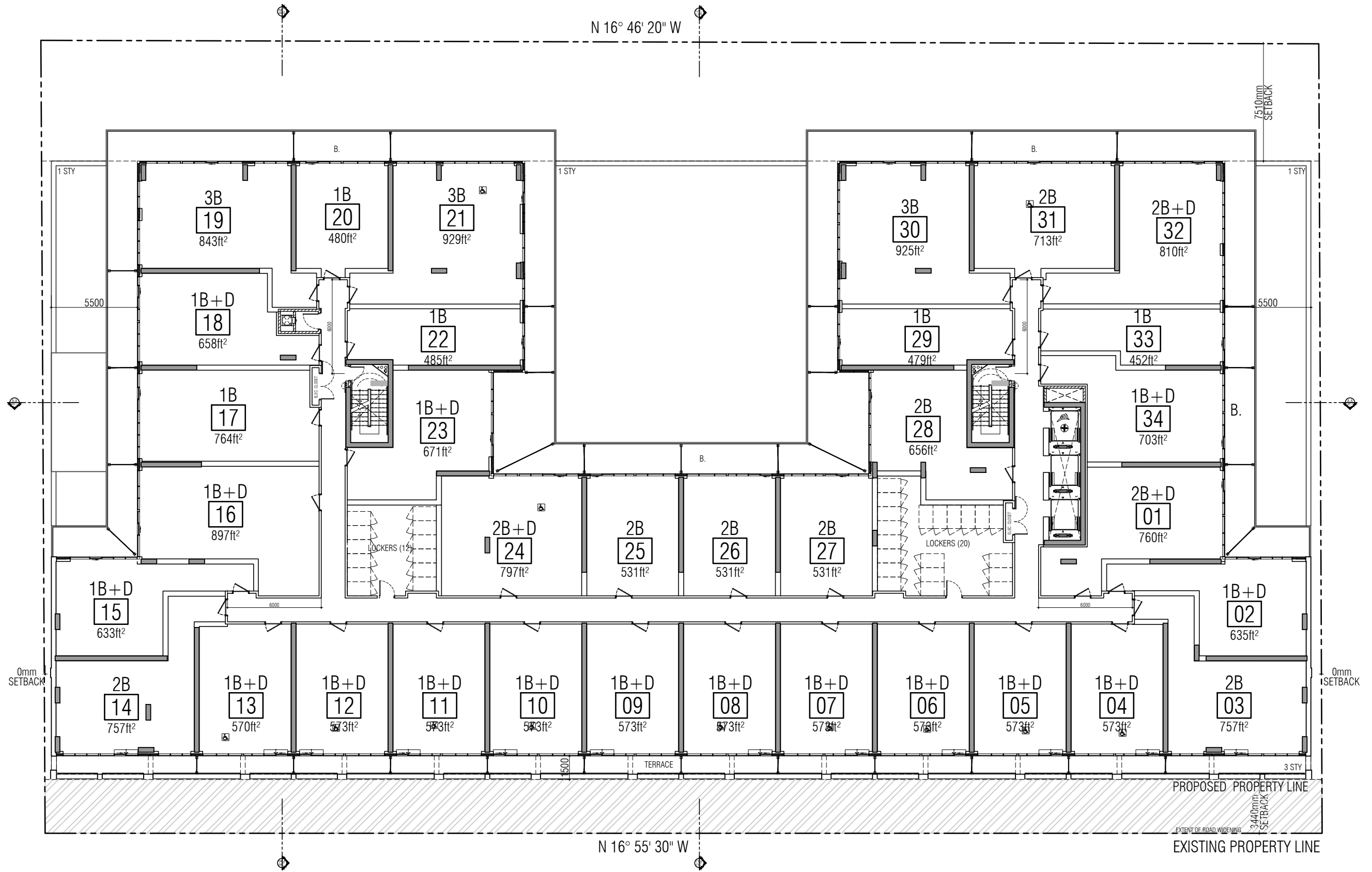
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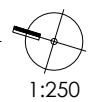
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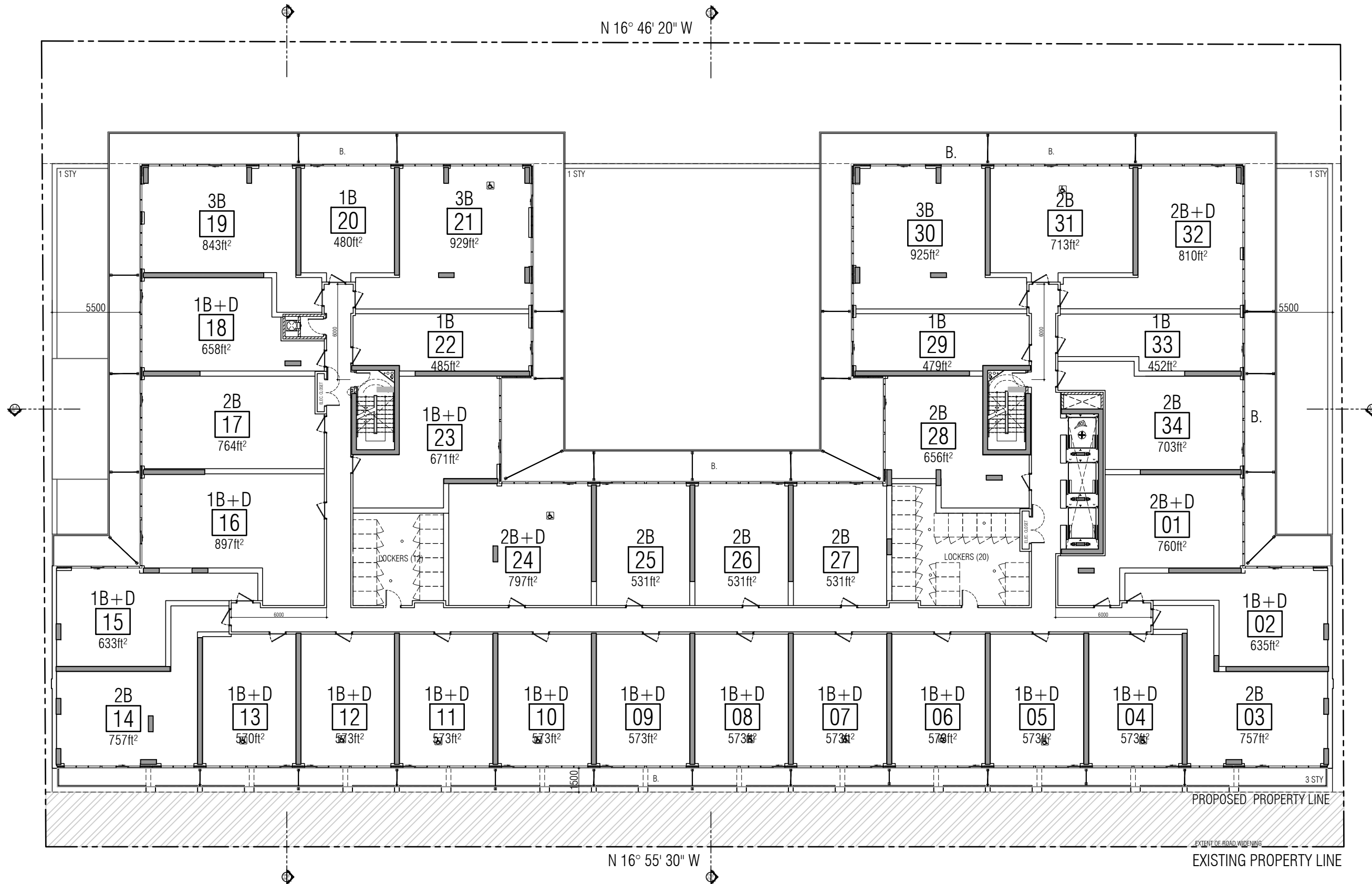


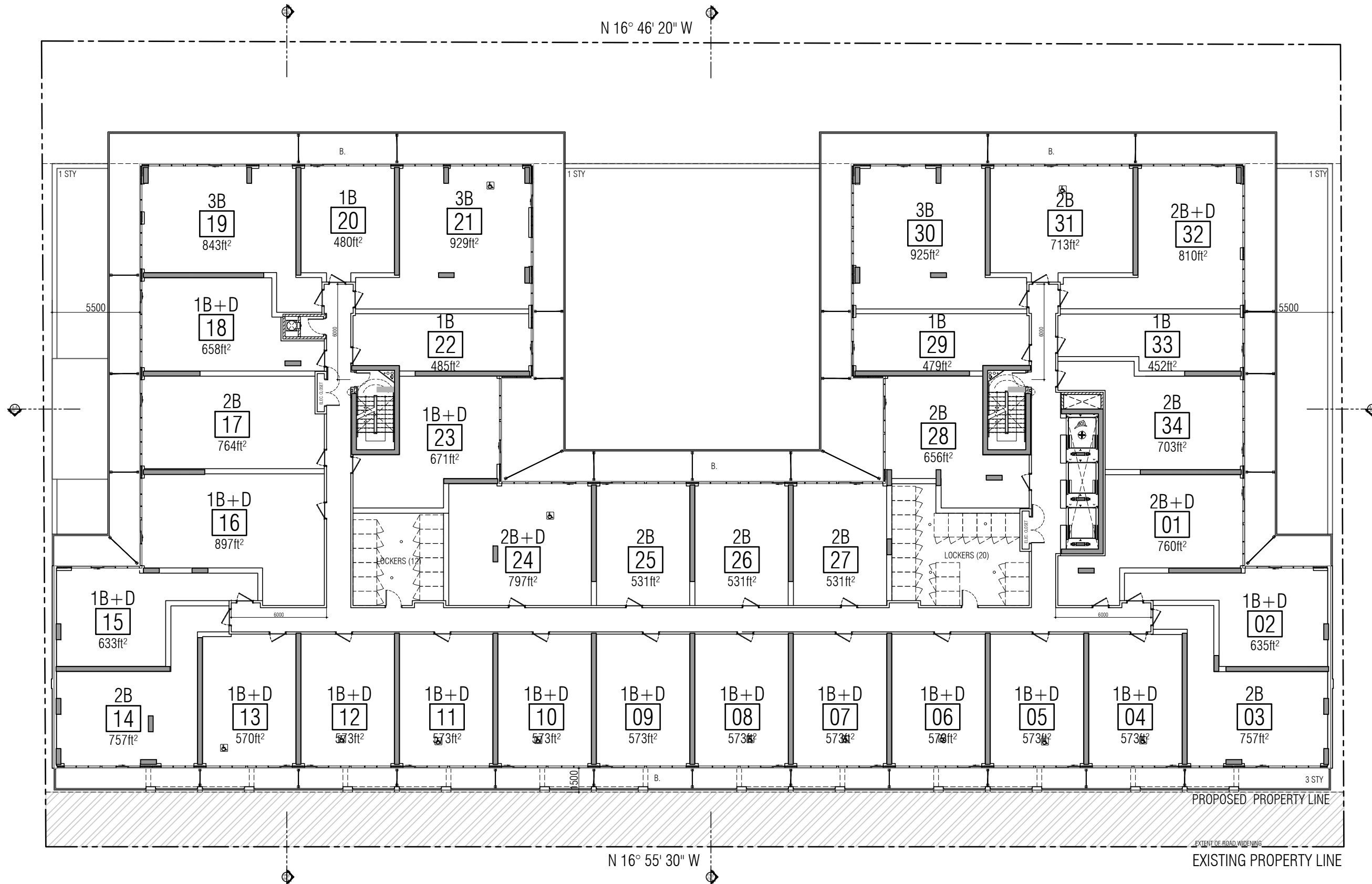


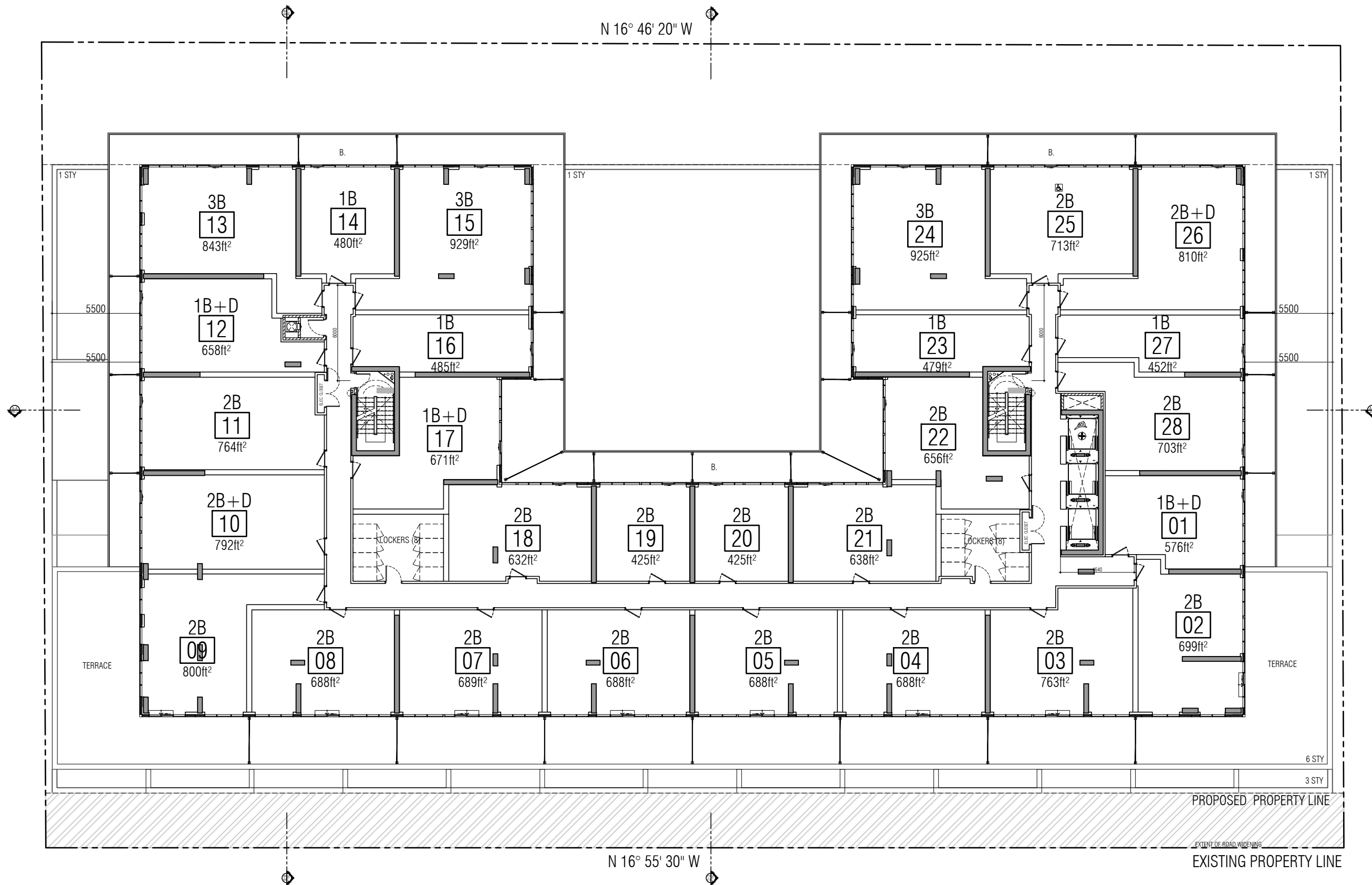


FOURTH



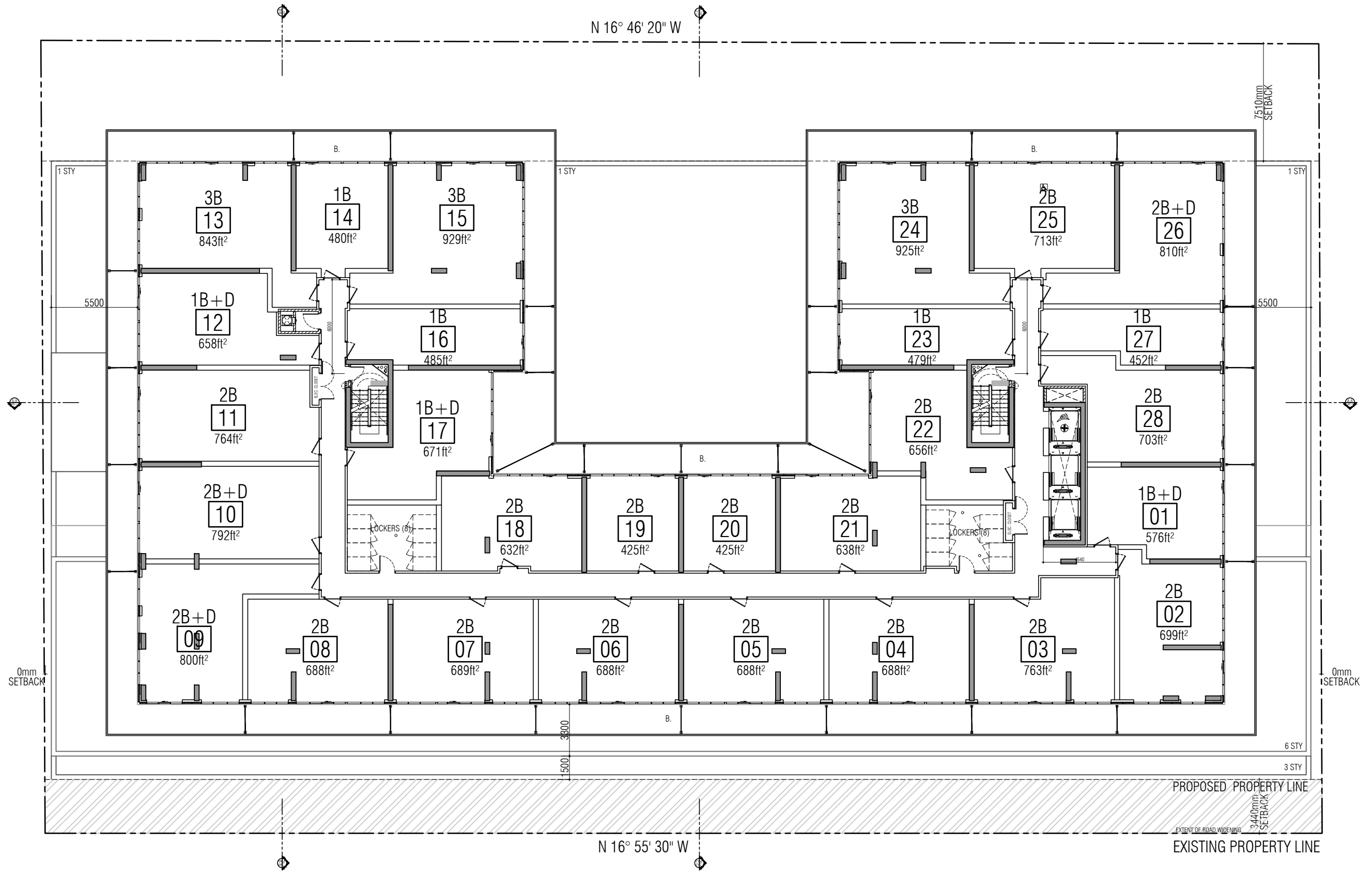


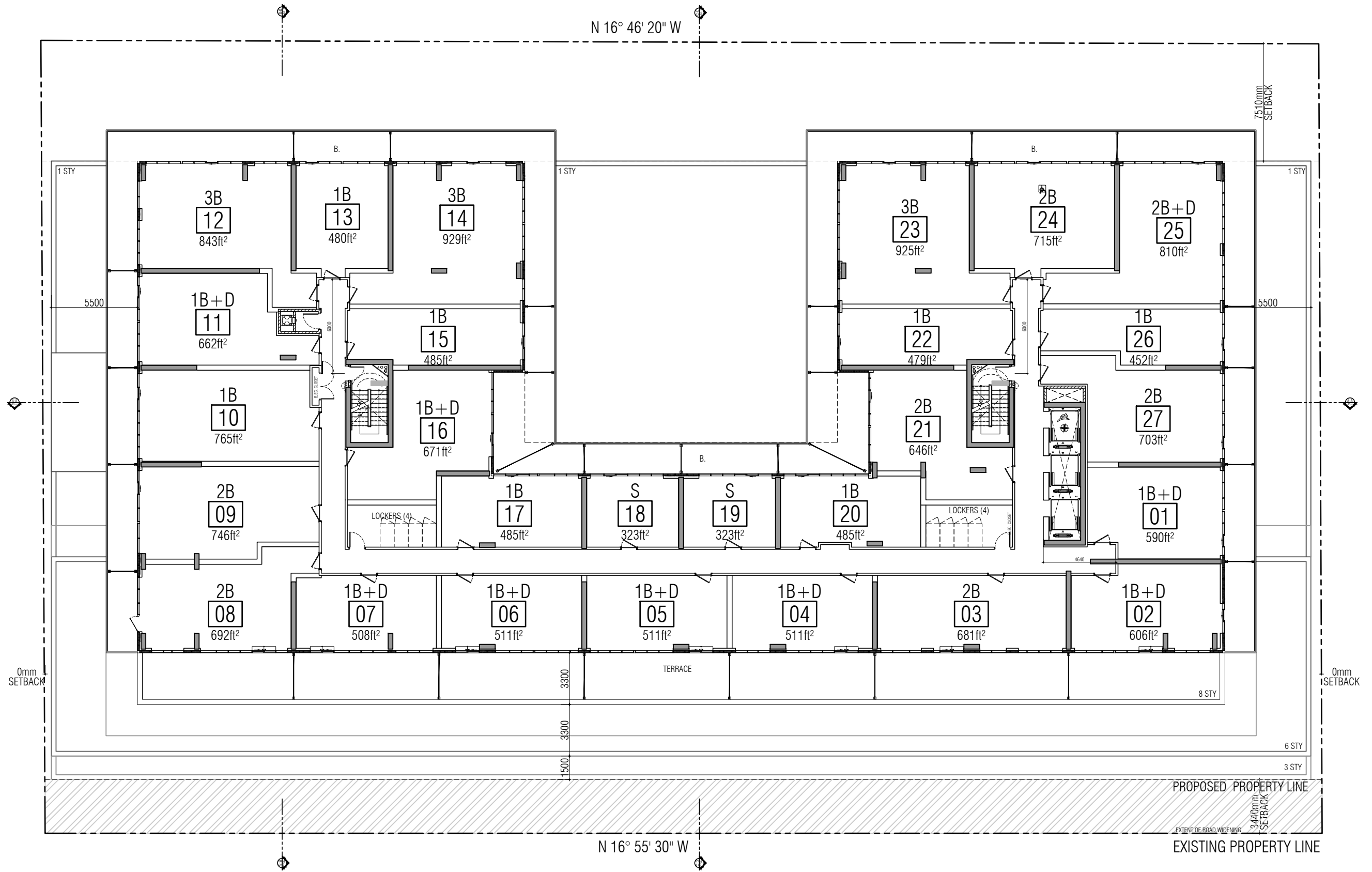


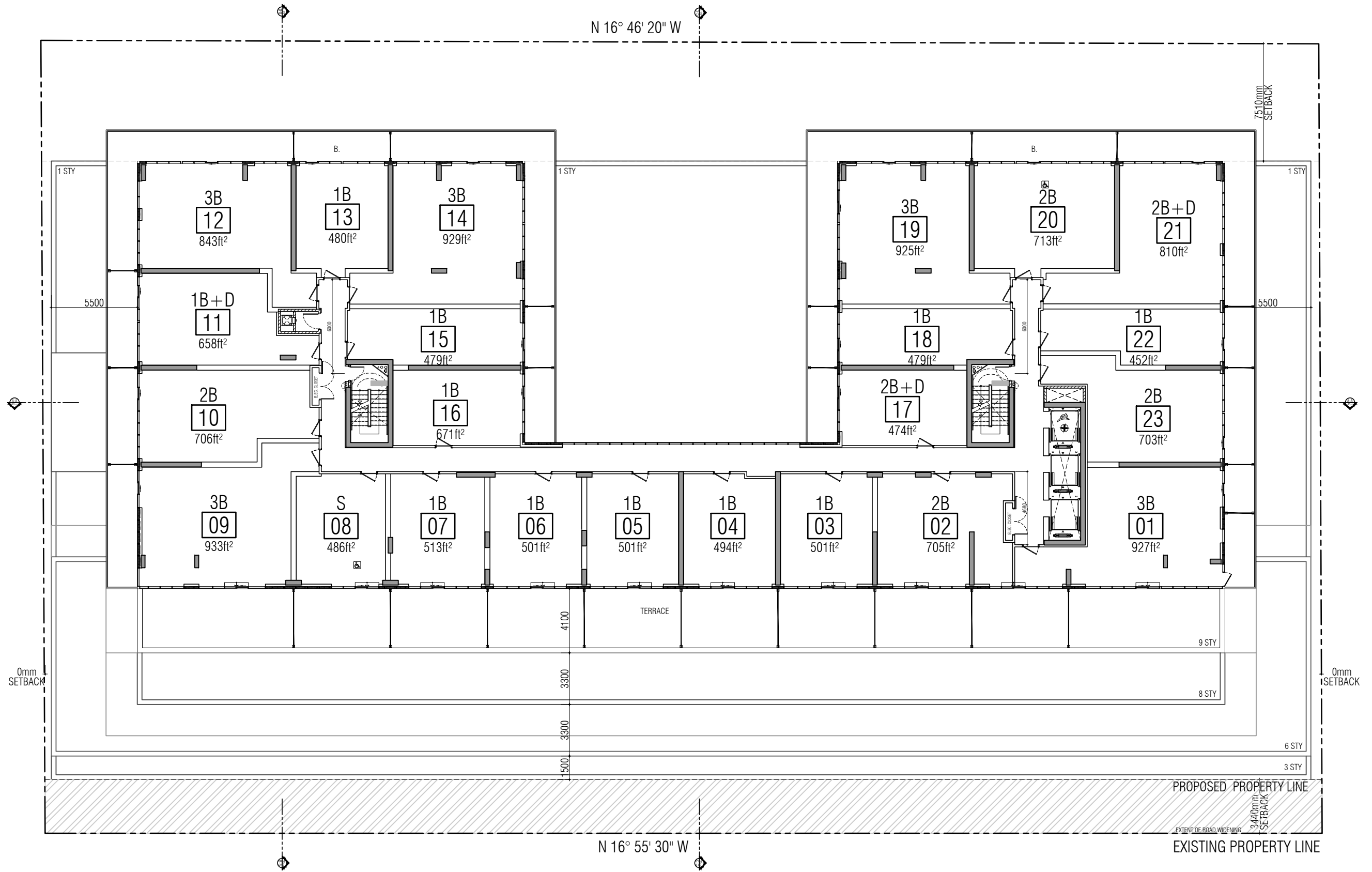


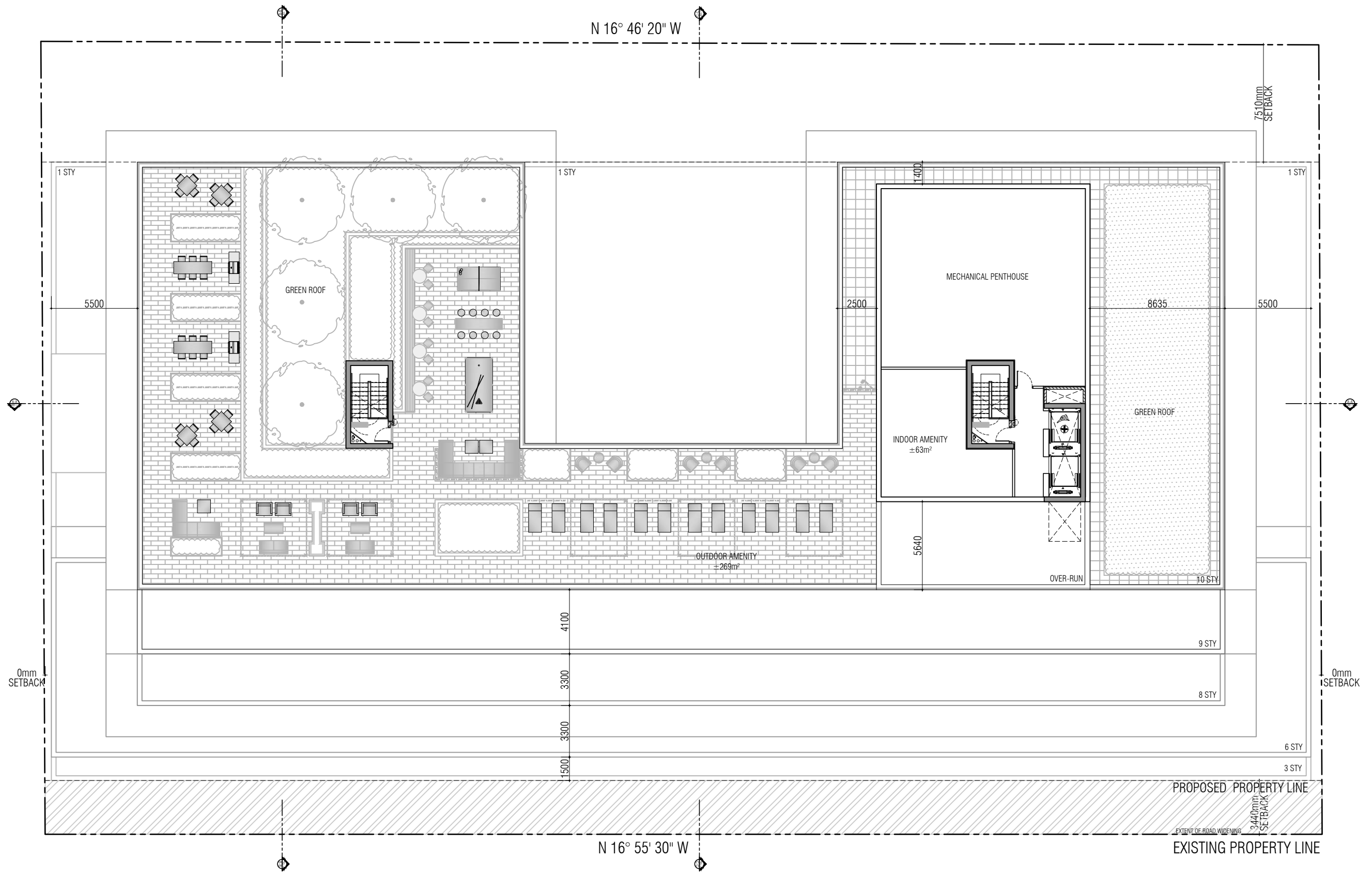
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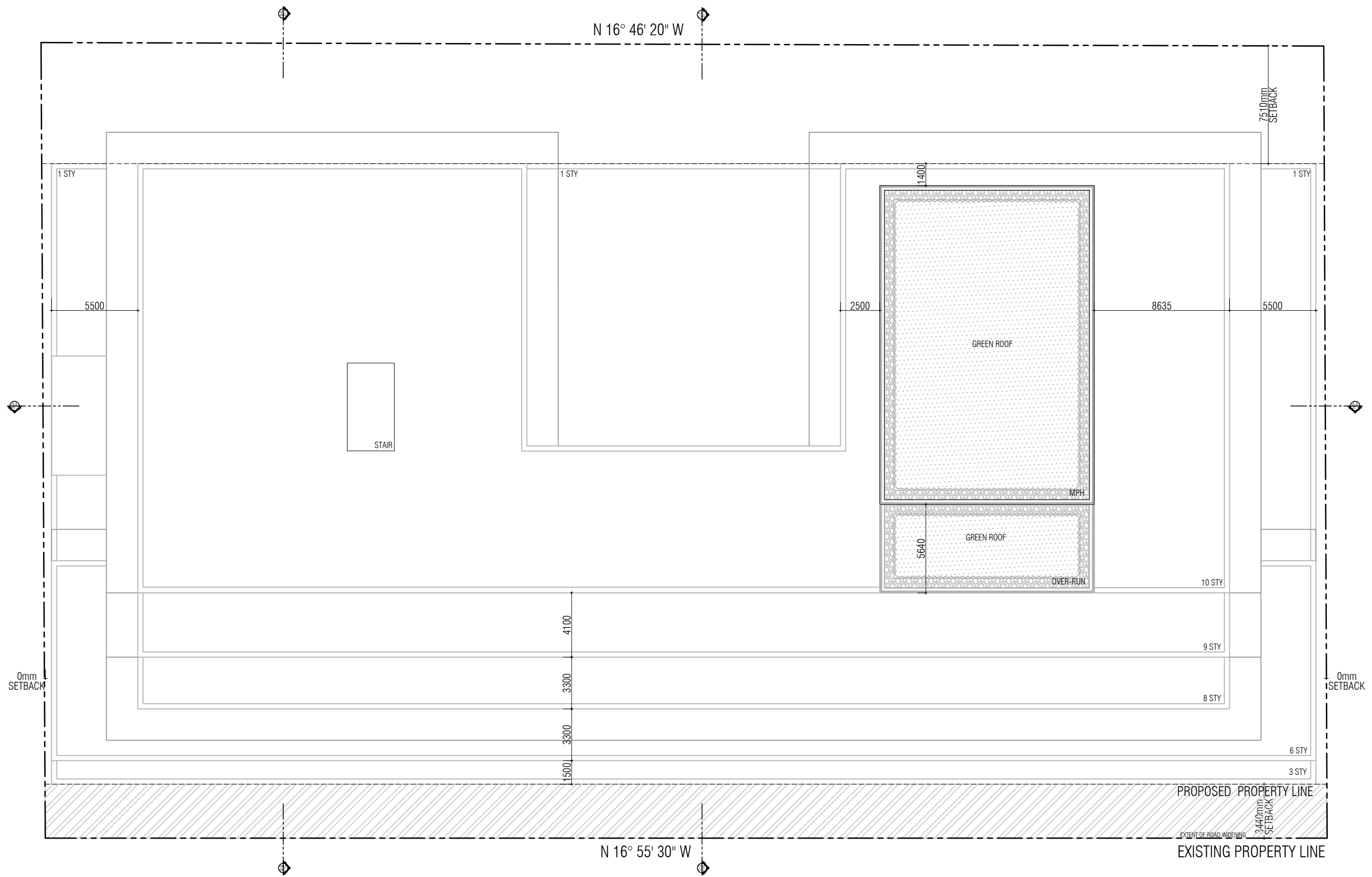


ELEVENTH FLOOR | MECHANICAL PENTHOUSE

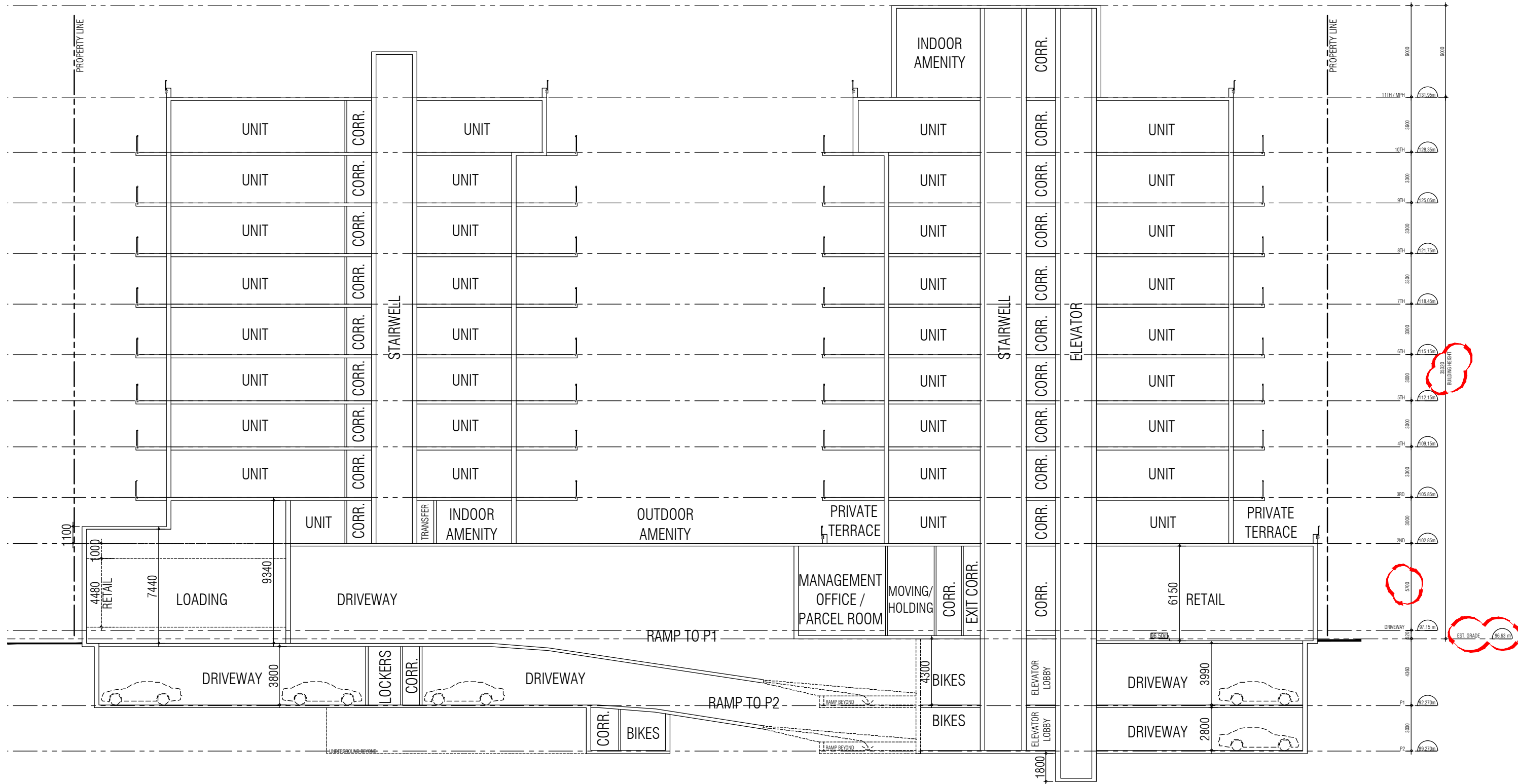
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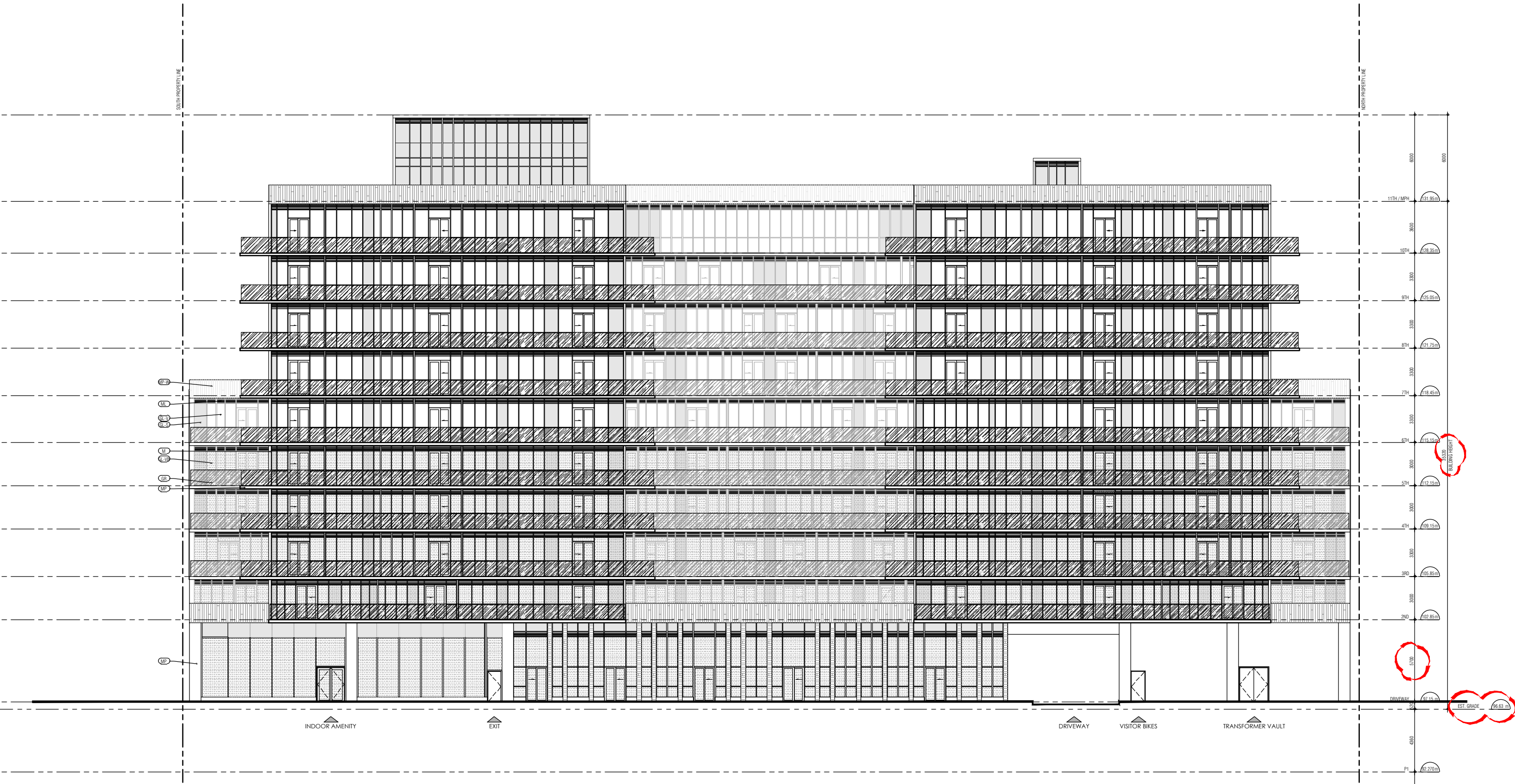
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ROOF

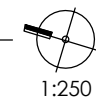


SECTION A-A



EAST

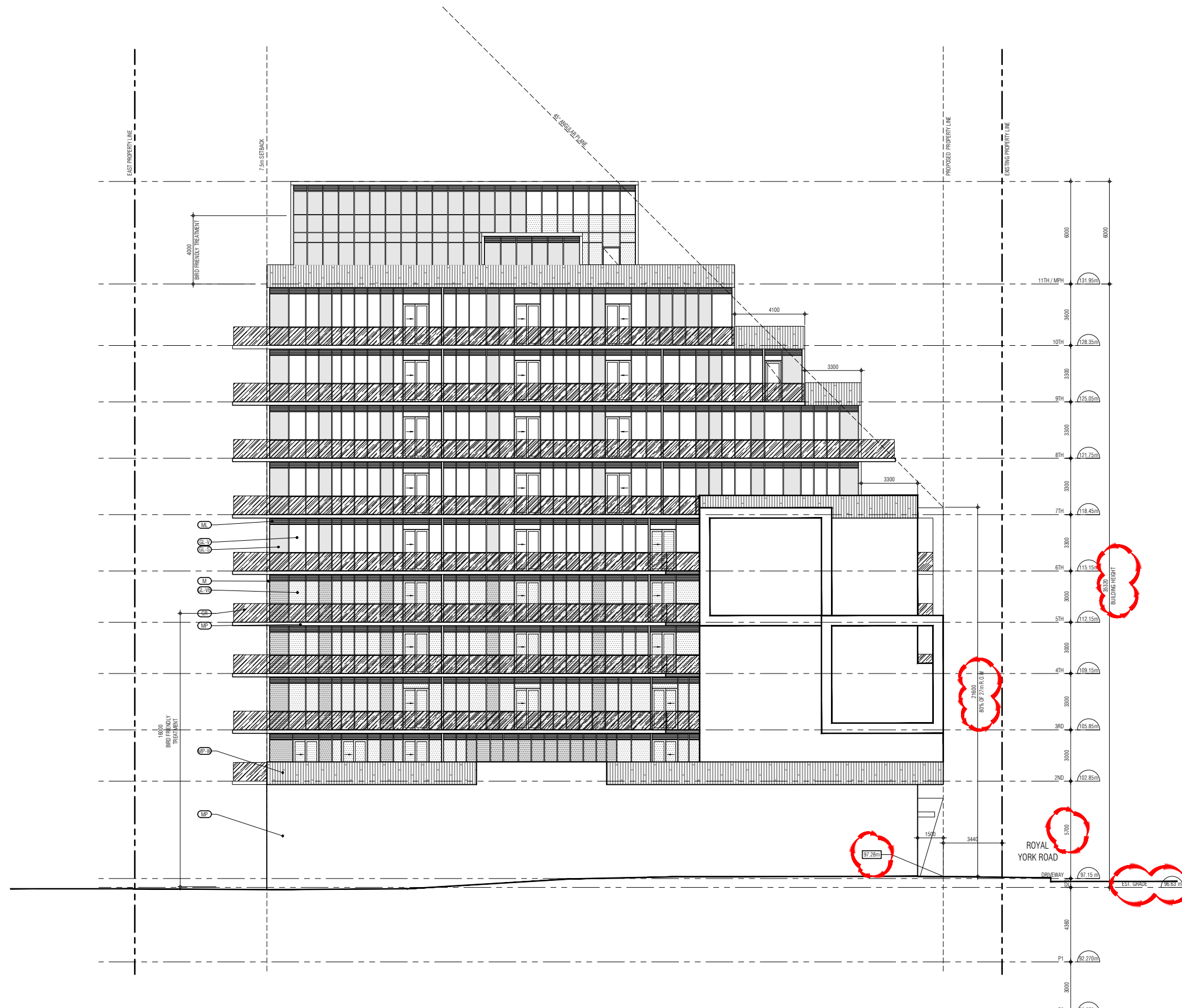
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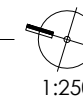


**GRAZIANI
+
CORAZZA**
ARCHITECTS



NORTH

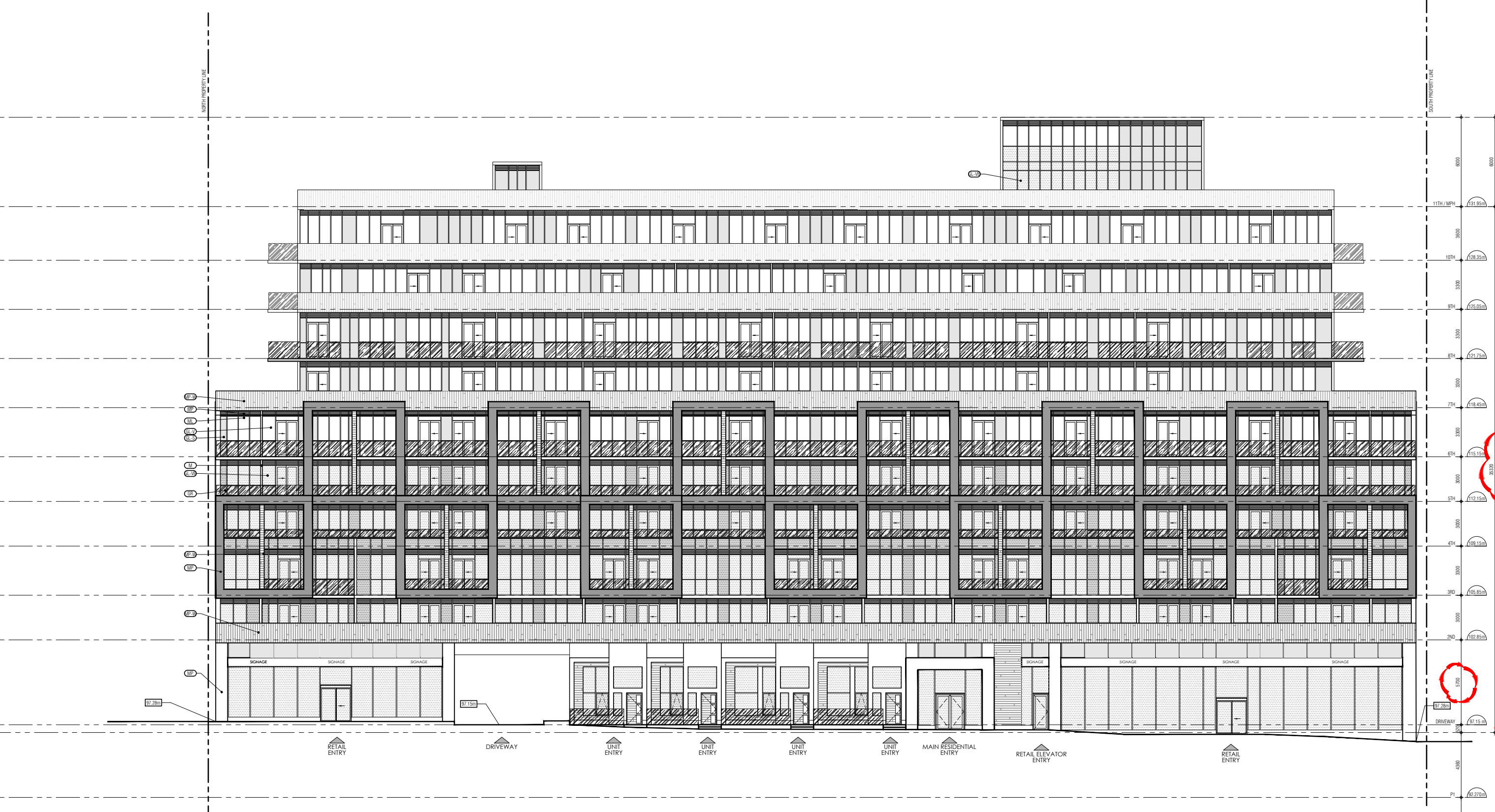
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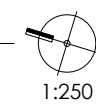


85.37 BUILDING HEIGHT

EST. GRADE 96.63 m

WEST

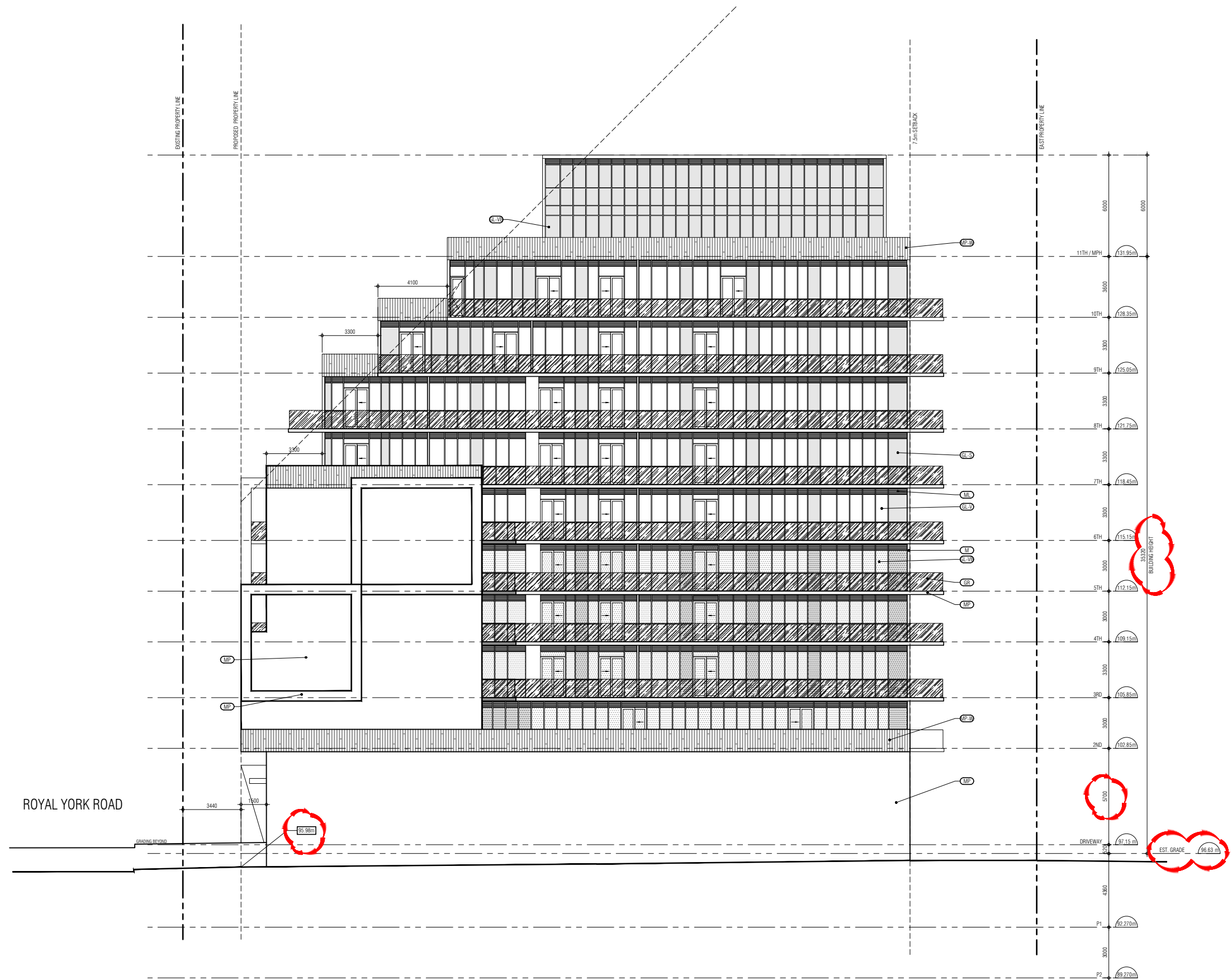
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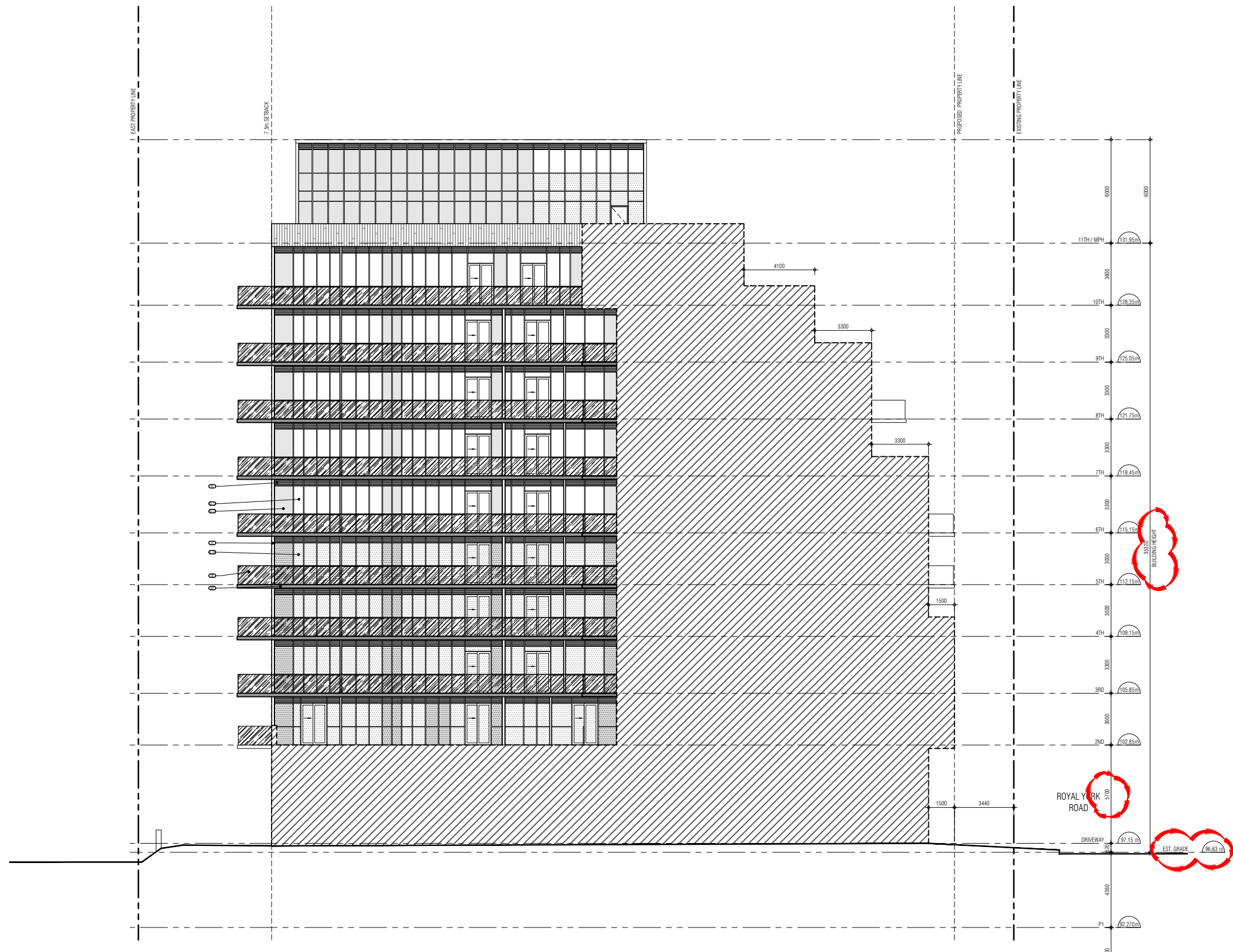


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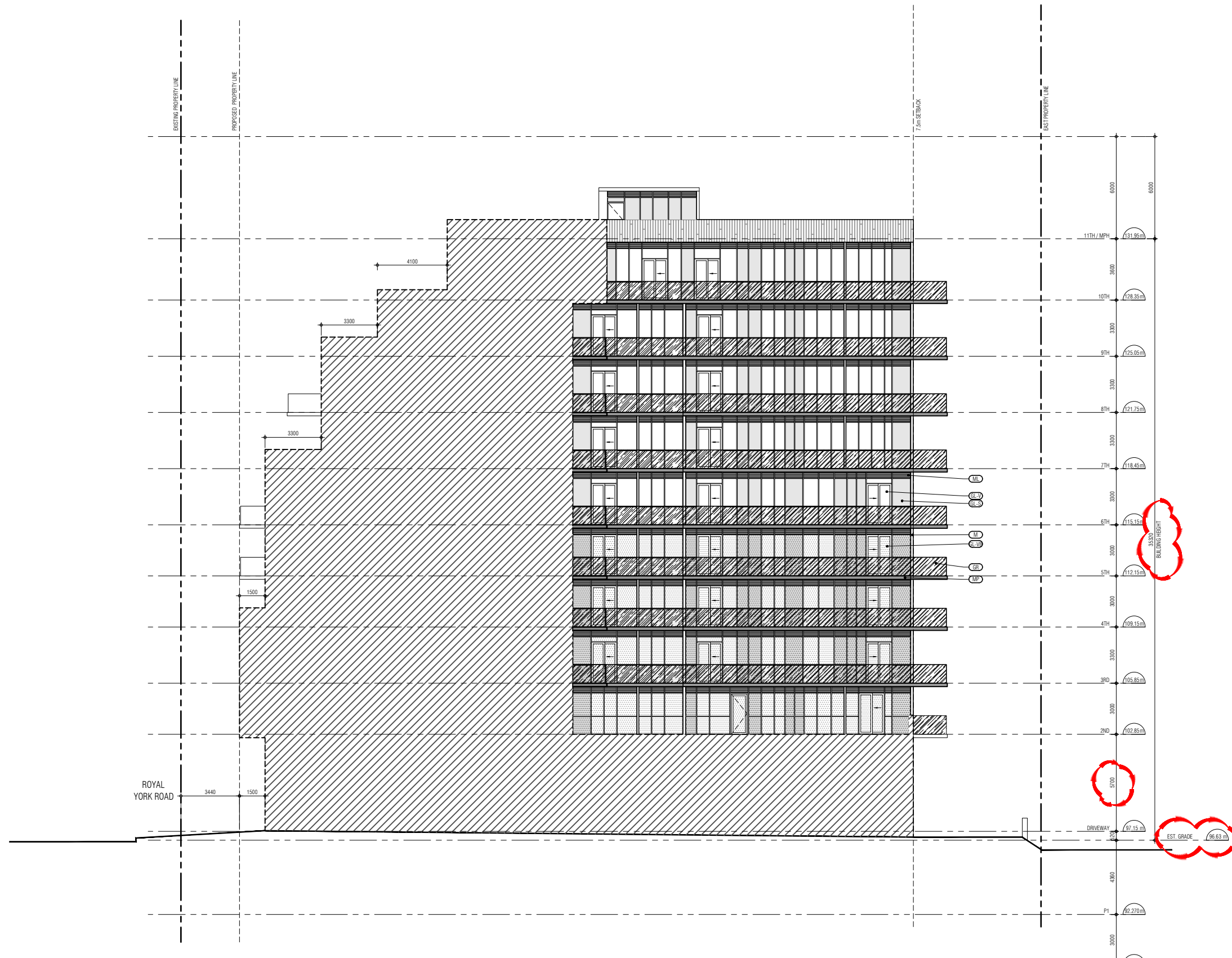
SOUTH

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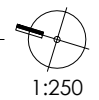
NORTH INTERIOR

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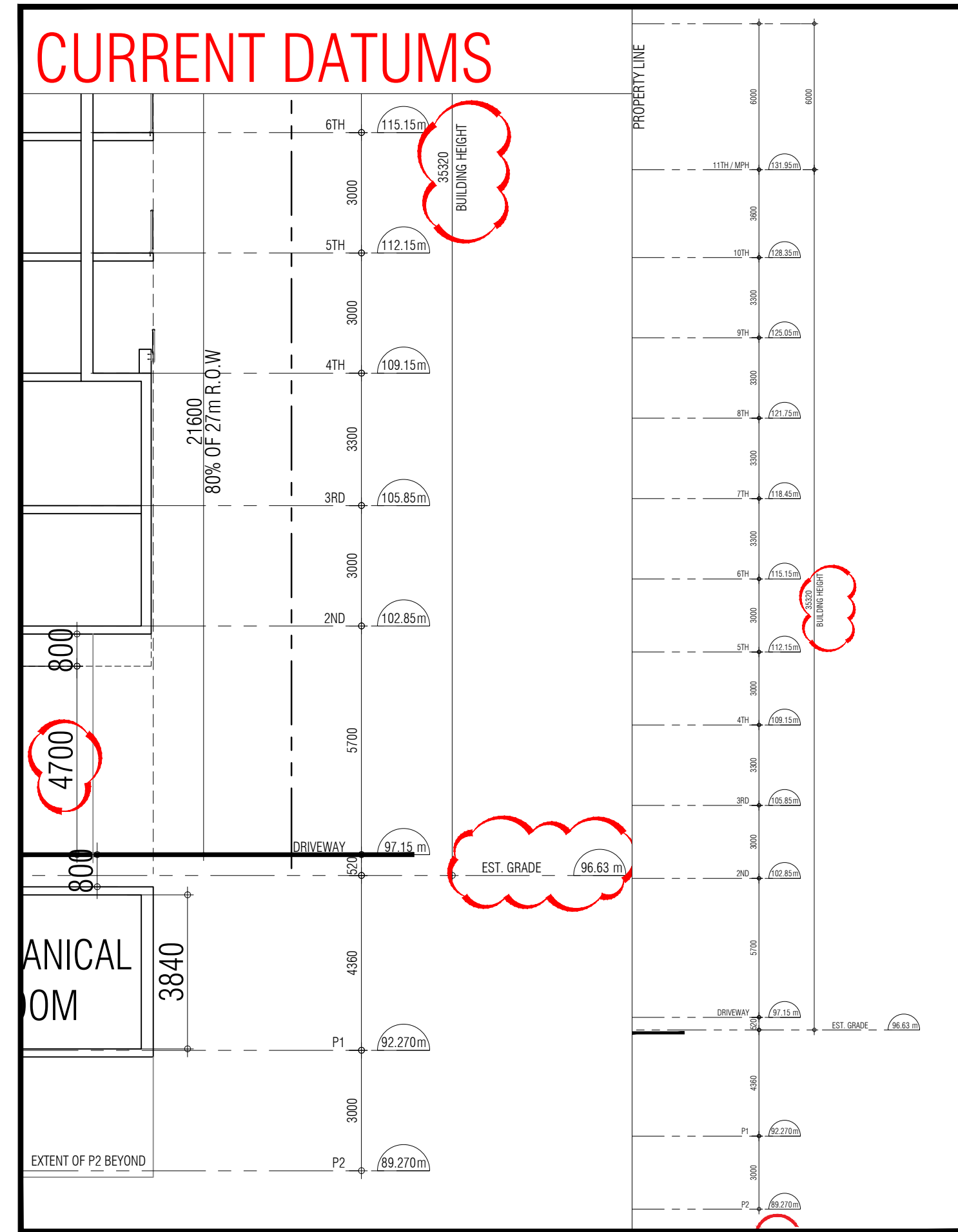
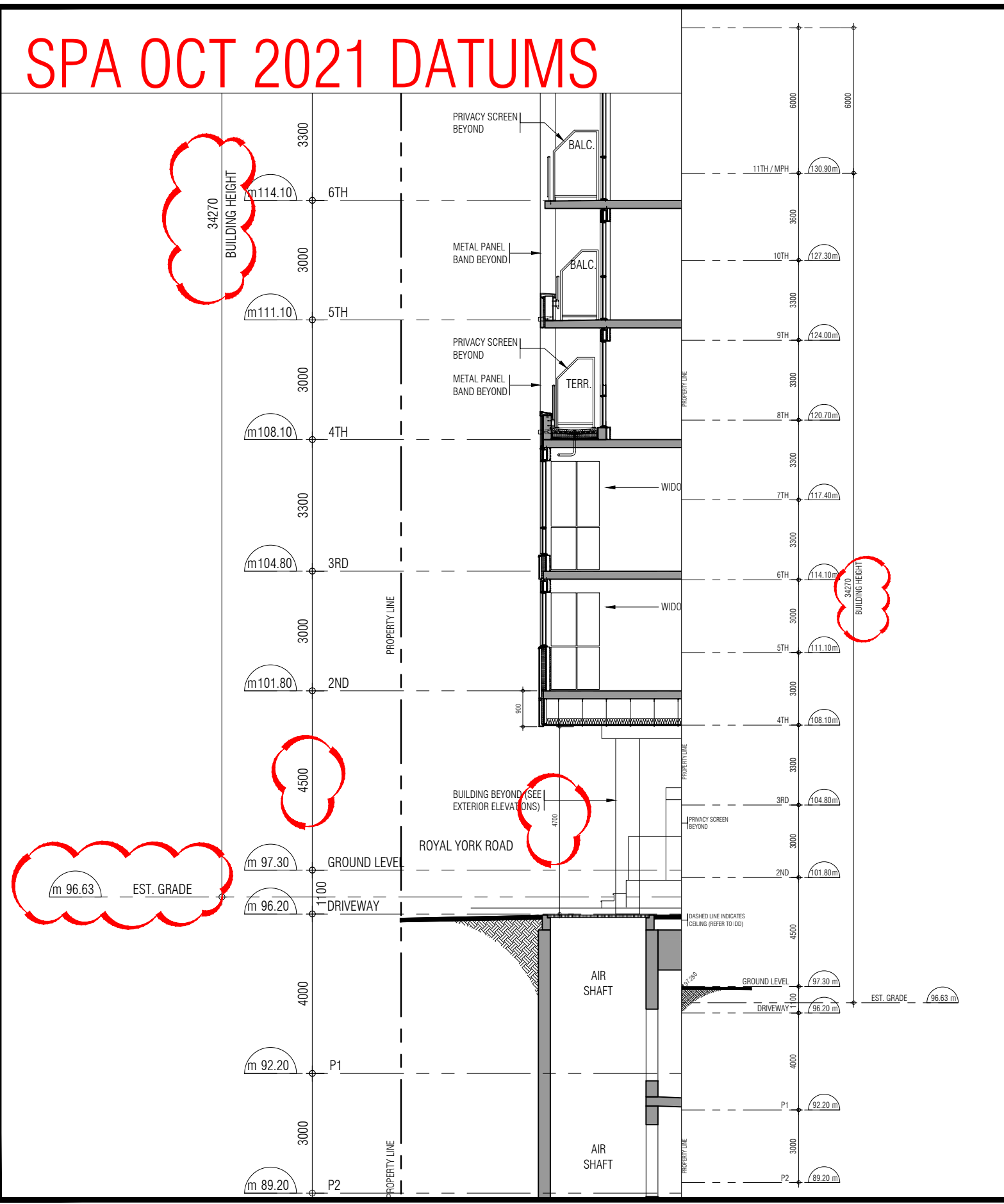
SOUTH INTERIOR

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SPA OCT 2021 DATUMS



ATTACHMENT 2



May 18, 2023

Project No. 1839.20

To: Allison Reid & Ira Banks

This memo is in response to the comments from our meeting with Allison Reid and Ira Banks dated Tuesday May 16th, 2023 at 2:30pm. regarding Revised Drawings prepared by Graziani + Corazza Architects, dated April, 5th, 2023 for ZBA and SPA. The architectural drawings have been revised as per our discussion:

1. The established grade is determined from averaging the geodetic points located at the North and South ends of the site along the New Proposed Property Line. Refer to section drawings and elevations. The Established Grade is 96.63m.
2. Building height is measured from the established grade of 96.63m. Refer to section drawings and elevations.
3. The driveway aligns with the center line of Simpson Avenue.
4. The new elevation of the driveway is at 97.15m.
5. The angular plane is taken from 3 points along the new property line; at the north elevation, the south elevation at the location of the new driveway. Refer to sections and elevations.
6. The height of the building measured from established grade in the SPA 2021 submission set was 34.27m. The current height of the building measured from established grade is 35.32m.

If you have any questions, please call.

Yours truly,

GRAZIANI + CORAZZA
ARCHITECTS INC

E. Corazza B. Arch., OAA, MRAIC
Principal

Cc: Kayla Korb

G+C Architects Inc.