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May 18, 2023

Our File No. 164130

**BY EMAIL**

***With Prejudice***

Matthew Longo  
Planning and Administrative Tribunal Law  
Legal Services, City of Toronto  
Metro Hall, 26<sup>th</sup> floor  
55 John Street  
Toronto ON M5V 3C6

Dear Mr. Longo:

**Re: With Prejudice Settlement Proposal  
906 Yonge Street and 25 McMurrich Street, Toronto  
OLT Case No. OLT-22-004214**

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Aird & Berlis LLP act on behalf of 906 Yonge Street Development Inc. ("**906 Yonge**") with respect to its development application (ZBLA/SPA) for properties municipally known as 906 Yonge Street and 25 McMurrich Street (collectively, the "Site"). The Site is an irregularly shaped through lot with frontages on the west side of Yonge Street and east side of McMurrich Street, north of Davenport Road. The Site is currently occupied by a 3-storey institutional building, which has been designated pursuant to Part IV of the Ontario Heritage Act (City of Toronto By-law No. 261-2022) and associated surface parking and outdoor play area to the rear, along McMurrich Street.

Arising from extensive discussions which have occurred over the last six (6) months with the City, adjacent property owners, including Metropolitan Condominium Corporation No. 698 ("**900 Yonge**"), the ABC Residents Association ("**ABC**") and Greater Yorkville Residents Association ("**GYRA**"), we are pleased to provide you with the enclosed revised architectural drawings prepared by IBI Group, dated May 1, 2023 (the "**Revised Proposal**") and related draft Zoning By-law Amendment. **The Revised Proposal is responsive to previous issues and concerns raised by 900 Yonge, the ABC/GYRA and the comments from City staff.**

**Background**

On November 1, 2021, our office filed applications for rezoning and site plan approval on behalf of 906 Yonge to allow for the redevelopment of the Site while retaining the heritage attributes of the Yonge Street frontage. The applications proposed two buildings, including a 33-storey residential/mixed-use building along Yonge Street, located to the rear of the (then) listed heritage building, and a 19-storey residential building along McMurrich Street with a combined gross floor area of approximately 28,376 square metres and 401 dwelling units.

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On February 1, 2022, City Planning hosted a community consultation to present the proposed development and hear feedback from community members. Our client's consultant team provided an overview of the applications and answered questions from community members. Questions and comments raised by those in attendance included issues around the massing of the buildings and the impacts on access to light, views and privacy, the character/public realm treatment on McMurrich Street, and facing condition (blank walls) of the buildings.

On March 22, 2022, our client and consultant team met with City staff, including representatives from City Planning, Urban Design, Transportation Services and Heritage Planning to discuss the City's preliminary comments concerning the applications. The discussion focused mainly on the planning and design issues around massing, including privacy and views, façade treatments, and the public realm, particularly along McMurrich Street. No issues related to transportation were raised by Transportation Services.

On April 1, 2022, City Planning published their Preliminary Report, which Toronto East York Community Council adopted on April 21, 2022. The Preliminary Report includes a summary of the issues raised at the February 1st, 2022, public meeting and the outstanding issues to be addressed with City staff.

On May 3, 2022, 906 Yonge and the consultant team met again with City staff; the discussion focused on preliminary design solutions in response to built form and massing issues raised by City staff and reported by residents.

On June 10, 2022, the local ward Councillor hosted a community meeting with residents from the surrounding buildings, City staff, our client and the consultant team. At that meeting, IBI presented some preliminary without prejudice design concepts in response to the feedback from City staff and community members.

On July 18, 2022, on behalf of our client, we appealed Council's failure to make a decision within the statutory time frame to the OLT pursuant to Section 34(11) of the *Planning Act*, R.S.O, c P. 13, as amended, and Section 114 of the *City of Toronto Act* (the "Appeal"). The Appeal included a request for OLT mediation. To date, a Case Management Conference has not been scheduled.

On December 15, 2022, January 26, 2023, and March 6, 2023., we participated in OLT-led mediation with the City, GYRA, ABC and 900 Yonge.

### **Summary of Revised Proposal**

906 Yonge is prepared, on a **with prejudice** basis, to proceed to a settlement hearing before the Ontario Land Tribunal (the "Tribunal") based on the Revised Proposal, as reflected in the attached Plans and draft Zoning By-law Amendment. The following important changes have been made to the development proposal, in response to comments from the City, adjacent landowners and community members, since the original November 2021 submission:

#### 25 McMurrich Street

With respect to 25 McMurrich Street, the Revised Proposal has undergone a complete redesign to address concerns raised with respect to built form, public realm and access:

- The floor plate has been significantly reduced from approximately 760 metres to approximately 590 metres;

- The setbacks on the south façade have been increased. Whereas, the original proposal had setbacks ranging from 4.6 metres to 5.7 metres, the revised setback is 8.0 metres from property line shared with 15 McMurrich Street;
- Modifications to the McMurrich Street frontage provide for a low-rise built-form character, which is achieved by providing a setback of 3 metres from the sidewalk and a further step-back of 3 metres at podium height of 3-storeys;
- By relocating the short term bicycle below grade, the driveway access to the Site is now more clearly articulated. Whereas, in the original application, the short term bicycle parking was located along the edge of the south property line, a landscape buffer can now be introduced between the two driveways of the Site and 15 McMurrich Street;
- An open space has been located at the northwest corner of the Site, which may also include a pet relief area;
- The north façade of the tower has been articulated with corner windows; and
- The height has been increased from 19-storeys to 23-storeys.

#### 906 Yonge Street

With respect to 906 Yonge Street, the Revised Proposal introduces important design interventions to address adjacency and tower design.

- A four-storey high interstitial space – called a “sky garden” on the plans – has been introduced to minimize direct overlook and retain the framed sky and city views for the existing terraces located at 900 Yonge Street;
- In the original application, the design proposed a staggered cantilever over the heritage building along the Yonge Street frontage. The revised design east façade is modified to step-back 7.5 metres up to the height of the sky garden and step-backs an additional 1.0 metre above the sky garden;
- In the original proposal, the north façade had 0.0 metre setback, which is revised up to 1.0 metre to allow for improved animation of the building face;
- The south façade setback is increased to ensure a 2.0 metre separation to the existing building to the south;
- At the northwest corner, the tower floor plate is notched up to the height of the McMurrich building (23 storeys) to provide a 20 metre separation distance between the two towers on the site; and
- The height has been increased from 33-storeys to 40-storeys to reflect in part the loss of 4 floors for the “sky garden” and additional built form changes.

The enclosed draft Zoning By-law Amendment implements the above changes and also address comments from City Planning staff and neighbouring residents in the mediation. **We would ask that staff in the City’s Buildings Department expedite its review of the Zoning By-law Amendment to ensure no additional modifications are required.**

## Settlement Proposal

In addition to the considerable built form changes which have been summarized above, and which are reflected in the Revised Proposal, our client is also prepared to commit to the following as part of a settlement with the City (collectively, the “Settlement Proposal”):

1. **Unit Mix:** The Revised Proposal provides 10% 3 bedroom units and 15% 2 bedroom units. In addition, a minimum of 15% of the smaller units will be convertible to 2 or 3 bedroom units. This unit mix will be secured in the final form of the ZBLA.
2. **Electrical Vehicle Charging:** Our client will install electrical vehicle supply equipment for 20% of the parking spaces. Roughed-in conduits for the remaining parking spaces will be provided.
3. **Landscape Strip:** Our client will take all reasonable steps during the site plan approval process to have the existing reciprocal easement registered on title to the landscape strip located between 15 McMurrich Street and 25 McMurrich Street released and to work with City staff to implement an enhanced landscape treatment for this area, consistent with the Revised Proposal. This obligation will be secured as a condition of site plan approval, and will be to the satisfaction of the Chief Planner.
4. **Limited Interruptions on Yonge Street:** Our client will prepare a Construction Management Plan (“CMP”) as a condition of site plan approval which will provide for primary access solely from McMurrich and make all reasonable efforts to limit construction related activity on Yonge Street so as to limit disruption to pedestrian, cycling and vehicle traffic movement. As discussed, it is anticipated that some activity will have to occur on Yonge Street related to the retention of the heritage elevation but that work will be limited in nature and all reasonable efforts will be made, and secured in the CMP, to limit its duration.
5. **Parkland:** as City staff have not requested any on-site parkland dedication, our client has agreed that its Section 42 obligations will be met, in full, by a cash-in-lieu payment.
6. **In-kind Benefits:** in the context of its Community Benefit Charge payment, our client is prepared to discuss other appropriate community benefits to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.

The Settlement Proposal is conditional upon the following matters:

7. **Heritage Permit:** enclosed with this correspondence is an application for a Heritage Permit pursuant to Part IV of the Ontario Heritage Act accompanied by a Heritage Impact Assessment prepared by ERA Architects; it has been agreed that Heritage Planning Staff will report out on this permit application at the June 22, 2023 meeting of the Toronto Preservation Board and thereafter by Council at its meeting commencing on July 19, 2023;
8. **Report to Council:** the Settlement Proposal will be the subject of an in camera report which will be prepared and submitted for consideration by City Council at its meeting commencing on July 19, 2023;
9. **Case Management Conference:** the City will consent to and support the scheduling of a Case Management Conference before the Tribunal as soon as possible following the

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release of the decision of City Council on the Settlement Proposal and will consent to and support a request for the CMC to be converted to a settlement hearing as the Tribunal may permit;

**10. Interim Decision:** the City will consent to the issuance of an Interim Decision of the Tribunal approving the ZBLA in principle with a Final Order to be withheld until conditions imposed by City Council have been satisfied, to the satisfaction of the City Solicitor and Chief Planner. It is our understanding that these conditions will be limited to:

- The finalization of the zoning instruments;
- The resubmission of a site plan application that implements the Revised Proposal;
- Delivery of a satisfactory updated Transportation Impact Statement and Functional Servicing Report; and,
- Requiring updated material related to the heritage conservation on site.

It is our understanding that the Settlement Proposal, and the enclosed Heritage Permit Application and Heritage Impact Assessment, are responsive to issues raised by City staff. We would respectfully request that you confirm that the City will prepare the necessary solicitor's report to ensure this matter is considered by City Council at its meeting commencing on July 19, 2023.

On behalf of our client and its consultant team, please accept our thanks and appreciation of the efforts that you and City staff have undertaken to reach a resolution of this matter.

Should you require any further information, please do not hesitate to contact the undersigned or Andrew Everton, a land use planner in our office at [aeverton@airdberlis.com](mailto:aeverton@airdberlis.com).

AIRD & BERLIS LLP



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Encl.

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