



Barristers & Solicitors  
Bay Adelaide Centre  
333 Bay Street, Suite 3400  
Toronto, Ontario M5H 2S7  
Telephone: 416.979.2211  
Facsimile: 416.979.1234  
goodmans.ca

Direct Line: 416.597.4299  
dbronskill@goodmans.ca

April 2, 2024

Our File No.: 230721

**WITHOUT PREJUDICE**

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

**Attention: Kasia Czajkowski**

Dear Sirs/Mesdames:

**Re: Lead Case No. OLT-23-000460 – Without Prejudice Settlement Offer  
1366 Yonge Street**

We are solicitors for 1366 Yonge Street Inc. in respect of the property known municipally as 1366 Yonge Street (the “**Lands**”). We are writing on behalf of our client to provide 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 April 17, 2024, unless otherwise indicated.

As you know, our client recently engaged in without prejudice mediation with City staff and an adjacent landowner regarding the redevelopment proposal for the Lands. These discussions resulted in a revised set of plans, prepared by R. Varacalli Architect Inc., which are attached to this letter as Schedule “A” (the “**Revised Plans**”). Our client greatly appreciates the efforts of City staff in achieving this proposed settlement.

The terms of this without prejudice settlement offer are as follows:

1. The settlement offer is based on the Revised Plans, which would be implemented through the resulting official plan amendment and zoning by-law amendment(s). Key aspects of the Revised Plans include:
  - a. tower setbacks are as shown on the Revised Plans, including a 10.0 metre tower setback to the Yonge Street properties to the north and a 15.3 metre tower setback to the lands designated as *Neighbourhoods*, and a 1.5-metre tower setback to the City-owned property to the west at 20 Balmoral Avenue, with a corresponding reduction in the tower floor plate;

- b. the western portion of the north face of the tower is the subject of a limiting distance agreement with the owner of St. Michael's Cemetery (the "Cemetery");
  - c. the podium includes the heights, setbacks and stepbacks as shown on the Revised Plans, as well as an increased height of 16.0 metres for the cantilever at the 5<sup>th</sup> floor in order to facilitate potential tree planting along Yonge Street and Balmoral Avenue;
  - d. there will be no projecting balconies on the tower;
  - e. there will be no windows (glazing or operable windows) on the west side of the proposed podium;
  - f. the east half of the north tower wall adjacent to the Cemetery will have significant window restrictions, as shown on the Revised Plans;
  - g. the at-grade retail space will contain a minimum of two (2) units;
  - h. the implementing zoning by-law will secure a minimum amount of combined indoor and outdoor amenity space at a ratio of 4.0 square metres per unit (based on an approximate amount of outdoor amenity space at 0.73 square metres per unit and indoor amenity space at 3.27 square metres per unit); and,
  - i. the implementing official plan amendment and zoning by-law amendment(s) shall facilitate the home occupation use of any dwelling units in the podium, resulting in 28 live-work units, including a requirement that the building shall require a minimum of 20 square metres on each where there are home occupation uses, and this 20 square metres shall be accessible and for the use of the home occupation uses in the podium and may include, among other things, a meeting room and/or lounge area.
2. Our client agrees that, as part of the site plan approval process for the development, our client will work with City staff on the design and materiality of the west side of the proposed podium.
  3. Our client acknowledges and agrees that the City, as the owner of the property known municipally as 20 Balmoral Avenue located directly to the west of the Lands, may construct a building and/or structure on the mutual property line.
  4. Our client agrees that, in the event City Council accepts this without prejudice settlement offer, the final order of the Ontario Land Tribunal would be withheld, pending completion of the following, with the Ontario Land Tribunal available to be spoken to in the event that an issue arises as a result of completion of these pre-conditions:

- the proposed official plan amendment and zoning by-law amendment(s) are in a final form and content satisfactory to the City Solicitor and Chief Planner and Executive Director, City Planning;
- the owner has revised the Functional Servicing and Stormwater Management Report, Hydrogeological Report, Hydrogeological Review Summary, and Groundwater Summary providing confirmation of water, sanitary and stormwater capacity to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- the owner has addressed all comments contained in the Engineering and Construction Services memorandum dated November 29, 2022, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- the owner has entered into and registered a financially secured agreement satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services to construct, provide, make operational, and warrant any necessary upgrades to existing services and facilities or new services and facilities;
- the owner has provided a revised Wind Study to the satisfaction of the Chief Planner and Executive Director, City Planning;
- the owner has provided Vehicle Maneuvering Diagrams to the satisfaction of the General Manager, Transportation Services; and
- the owner has registered on title a Limiting Distance Agreement over 1366 Yonge Street, including the City and Catholic Cemeteries & Funeral Services Inc. as parties, that ensures a no-build area over St. Michael's Cemetery and includes provisions for the property line between 1366 Yonge Street and St. Michael's Cemetery as described in the settlement letter.

As noted above, this without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on April 17, 2024, unless otherwise indicated, at which point it should be considered as withdrawn if not accepted by City Council.

Yours truly,

**Goodmans LLP**



David Bronskill

DJB/

1402-8599-7066