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File No. 23419

July 10, 2024

VIA EMAIL kasia.czajkowski@toronto.ca

Ms. Kasia Czajkowski
City of Toronto Legal Services
Planning & Administrative Tribunal Law
Metro Hall, 26th Floor
55 John Street
Toronto, ON M5V 3C6

Dear Ms. Czajkowski:

Re: 1 York Gate Boulevard, Toronto
Appeals to OLT of Rezoning and Site Plan Approval Applications
OLT Lead Case No. OLT-23-000969
City Files 22 116509 WET 07 OZ and 22 124982 WET 07 SA
With Prejudice Settlement Offer

As you know, we are the solicitors for 7506473 Canada Inc., the owner of the above noted lands (the "Site"), and the appellant with respect to the above noted appeals.

We are pleased to provide the following settlement offer on a with prejudice basis in full settlement of these appeals:

- (1) Our client would agree to formally revise its development proposal from a 22-storey building to a 27-storey building as set out in the attached architectural plans dated July 10, 2024 and prepared by Petroff Partnership Architects (the "Revised Proposal"). A summary of the revisions from the current proposal before the Ontario Land Tribunal ("OLT") are as follows:
 - a. Provided a base building for the tower that is 1085m² from the ground to fourth floors;
 - b. The four-storey base building will create a transition to the tower above. The base building is four storeys on the east, south and west sides, and 1 extended storey of height on the north side where the truck loading and servicing area is located;

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- c. The tower, starting at the fifth storey and up to and including the 25th storey, includes the following setbacks from the base building walls:
 - i. 3m at the North side;
 - ii. 3m at the South side;
 - iii. 6.4m on the East side; and
 - iv. 3m from the West side;
 - d. The floors above the 25th storey (i.e., the 26th and 27th storeys) will be further stepbacked by 1.15m on the South and East sides;
 - e. Reduced the tower floorplate from 872m² to 814m² for the 5th storey up to and including the 25th storey, and provided a reduced tower floorplate of 750m² for the 26th and 27th storeys to provide sculpting at the top of the tower;
 - f. Built form canopies with a minimum overhang of 1.5m, or as required to meet wind mitigation measures, are being provided on the northwest and southwest corners of the building to mitigate wind impacts;
 - g. The provision of a minimum of 10% three-bedroom units and a minimum of 25% of two-bedroom units;
 - h. Increased height to 27-storeys in order to accommodate three-bedroom units as per the Growing Up Guidelines;
 - i. Increased number of units from 294 to 305;
 - j. Internalized loading/moving bays on the ground floor;
 - k. Added a through lobby and second entrance on the ground floor;
 - l. Relocated private outdoor amenity space for residents to the east side of the base building on the fourth floor;
 - m. The provision of indoor and outdoor amenity space as per the rate requirements of City-wide Zoning By-law 569-2013;
 - n. Added 530m² of Privately Owned Publicly Accessible Space (POPS) at the ground level;
 - o. Added landscaping along Yorkgate Boulevard;
 - p. The provision of seven accessible parking spaces to be located with direct access to the building;
 - q. The provision of two car share spaces;
 - r. The provision of four additional visitor parking spaces; and
 - s. The removal of surface parking associated with the building north of the drive aisle.
- (2) In terms of unit mix, our client agrees to include a minimum of ten percent (10%) three-bedroom units and an additional minimum of twenty-five percent (25%) two-bedroom units, and this unit mix will be incorporated into the final zoning by-law amendment that is approved by the OLT;
- (3) In terms of parking, our client is agreeable to providing the following:

- a. Seven (7) accessible parking spaces, six (6) for residents and one (1) for visitors, which will be located south of the drive aisle, with direct access to the building. The exact dimensions and layout of the accessible parking spots will conform with the accessible parking requirements of City-wide Zoning By-law 569-2013;
- b. An additional four (4) visitor parking spaces will be provided on the owner's property. The location of these four visitor spaces will be determined through the Site Plan Control process, and their dimensions will conform with the visitor parking requirements of City-wide Zoning By-law 569-2013;
- c. Two (2) car share spaces will be provided on the owner's property. The location of these two car share spaces will be determined through the Site Plan Control process, and their dimensions will conform with the requirements of City-wide Zoning By-law 569-2013;
- d. There will be no surface parking north of the drive aisle provided as part of this Revised Proposal and associated with the proposed building; and
- e. Our client's understanding is that the zoning by-law amendment will reflect parking rates for accessible parking, visitor parking, and car-share, and will not contain residential parking minimums. The numbers in paragraph 3 above reflect the current number of parking spaces based on the number of units being provided in the Revised Proposal. If the number of units should change, the parking rates in the zoning by-law will reflect that change.

In terms of parkland, our client is agreeable to satisfying its parkland obligations through a cash-in-lieu of parkland payment to the City.

I understand you will be reporting to the July 24 to 26, 2024 City Council meeting with respect to this with prejudice settlement offer. Unless we advise otherwise, this offer shall expire at the close of the City Council meeting scheduled to commence on July 24, 2024.

In terms of the site plan appeal, our client agrees to work with City staff to finalize an acceptable NOAC based on the Revised Proposal.

Pre-Conditions to Final Order:

Our client is agreeable to the following pre-conditions for the issuance of the final Order for the Zoning By-law Amendment:

- (1) the final form and content of the Zoning By-law Amendment is satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor;

- (2) the owner has provided a revised Functional Servicing and Stormwater Management Report to determine the stormwater runoff, sanitary flow, and water supply demand resulting from the proposed development, and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services;
- (3) the owner has provided a revised Transportation Impact Study, including a Transportation Demand Management Plan, to the satisfaction of the General Manager, Transportation Services;
- (4) the owner is meeting the accessible parking and visitor parking requirements in City-wide Zoning By-law 569-2013 to the satisfaction of the General Manager, Transportation Services;
- (5) the owner has made arrangements with the City and has entered into the appropriate agreement(s) for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the revised Functional Servicing and Stormwater Management Report accepted by the Chief Engineer and Executive Director of Engineering and Construction Services, and Transportation Impact Study accepted by the General Manager, Transportation Services;
- (6) the owner has submitted a revised Hydrological Assessment Report and Hydrological Review Summary Form, Servicing Report Groundwater Summary Form, and Foundation Drainage Summary Form to determine the quality and quantity of groundwater that may be required to be discharged to the City sewage works as a result to of a proposed development and comply with Foundation Drainage Policy and guidelines to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services and the General Manager, Toronto Water;
- (7) the owner has provided a revised Pedestrian Level Wind Study, including a Wind Tunnel Study, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (8) the owner has provided a revised Sun/Shadow Study, to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- (9) the owner has submitted Compatibility/Mitigation Studies, including the Air Quality Study, dated February 11, 2022, prepared by RWDI AIR Inc., and the Noise Impact Study, dated February 10, 2022, prepared by LEA, have been peer reviewed by a third-party consultant retained by the City at the owner's expense,

and the owner agrees to implement any necessary control measures and recommendations identified by the peer review, with the control measures to be secured through the Site Plan Control process, to the satisfaction of the Chief Planner and Executive Director, City Planning.

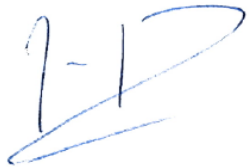
In support of this with prejudice settlement offer, please find attached the following:

- (1) Architectural Plans dated July 10, 2024 and prepared by Petroff Partnership Architects.

If you have any questions regarding the above, please do not hesitate to contact me at 416.645.4572 or via email at jpark@ksllp.ca.

Yours truly,

KAGAN SHASTRI DeMELO WINER PARK LLP



Jason Park
JIP/ss

Attachments

cc: Adam Ward, City of Toronto Legal Services (adam.ward@toronto.ca)
7506473 Canada Inc.

Please reply to the: Downtown Office