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**WITHOUT PREJUDICE**

January 21, 2025

**VIA EMAIL**

Mr. Daniel Elmadany and Mr. Adam Ward  
Solicitors, Planning & Administrative Tribunal Law  
City of Toronto, Legal Services Division  
Metro Hall, 55 John Street, 26th Floor  
Toronto, ON, M5V 3C6

Dear Mr. Elmadany and Mr. Ward,

**RE: 86, 100-108 Lombard Street and 103 Richmond Street East (City of Toronto)  
Ontario Land Tribunal Lead Case No. 24-000371  
Zoning By-law Amendment - City File No. 22 192723 STE 13 OZ  
Without Prejudice Settlement Offer**

We are the lawyers for 86 RVW Inc. & 100-108 RVW Inc. (the "**Owners**"), being the owners of the lands municipally known as 86, 100-108 Lombard Street and 103 Richmond Street East (the "**Site**").

This letter constitutes our client's offer to settle the above noted appeal before the Ontario Land Tribunal (the "**Tribunal**") in respect of its application for a zoning by-law amendment (OLT Case No. OLT-24-000371 the "**Appeal**"). This offer to settle is being submitted on a without prejudice basis (the "**Offer**").

**Background Information**

The Site is located along Lombard Street, between Church Street and Jarvis Street. The Site is approximately 0.2 hectares (0.5 acres), with frontages of approximately 65 metres along Lombard Street and 10.5 metres along Richmond Street East. The Site is currently improved with one 4-storey office building (100-108 Lombard Street and 103 Richmond Street East), a 2-storey former City morgue building (86 Lombard Street, the "**Morgue Building**") and a small surface parking lot associated with the Morgue Building that is located along the western property line. 86 Lombard Street is designated under Part IV of the *Ontario Heritage Act*. None of the other properties that form part of the Site are listed or designated under the *Ontario Heritage Act*.

The Site is well served by public transit with several connections to existing bus services and

existing and planned higher order transit. The Site is located within an 8-minute walk from both the Queen TTC Subway Station and King TTC Subway Station with connections to the 501, 301, 504 and 304 streetcar routes. The Site is also located approximately 600 metres southwest of the future Moss Park Station, which is part of the planned Ontario Line.

### **The Application and Ontario Land Tribunal Appeal**

The Application was filed on August 15, 2022. As filed, the Application sought revisions to the City's Comprehensive Zoning Bylaw 569-2013 ("**ZBL 569-2013**") to permit the redevelopment of the Site with a 59-storey mixed-use building containing approximately 480 residential units, 7 floors of office space and retail on the ground floor (the "**Original Proposal**"). The Original Proposal also included the provision of a new publicly accessible open space extending from Richmond Street East to Lombard Street (the "**Midblock Connection**") and proposed to relocate the Morgue Building to the eastern portion of the Site as a standalone building with retail uses directly next to the Fire Hall building located at 110 Lombard Street. The original building at 100-108 Lombard Street and 103 Richmond Street was proposed to be demolished, save and except for the south elevation of 100 Lombard Street which was proposed to be panelized and integrated into the proposed development.

The Application was appealed to the Tribunal on March 26, 2024, on the basis of City Council's refusal or neglect to make a decision within the statutory timeframe set out in the *Planning Act* R.S.O. 1990, c. P.13, as amended (the "**Appeal**"). On July 9, 2024, the Tribunal held the first Case Management Conference ("**CMC**") for the Appeal where interested stakeholders who sought status identified their concerns and/or interests in respect of the Original Proposal. These additional interested stakeholders were invited to participate in mediation with the Owners and the City. Following the first CMC, the proposed development was the subject of a highly iterative mediation process, which included the St. Lawrence Neighbourhood Residents Association and other participants who were identified at the first CMC.

On November 8, 2024, a second CMC was held, where the Tribunal was provided with an update on the mediation process. A 10-day hearing was scheduled to begin on October 27, 2025. A third CMC was also scheduled for March 13, 2025, which may be converted to a settlement hearing if this Offer is accepted by City Council.

### **Settlement Proposal**

The Owners are offering to settle the Appeal by revising the Original Proposal in accordance with the architectural modifications illustrated in the plans and drawings prepared by WZMH Architects and OMA dated December 18, 2024, a copy of which is attached as Schedule A (the "**Settlement Proposal**"). A summary of key elements of the Settlement Proposal are summarized below:

- Proposed Building Podium: The Settlement Proposal contemplates a reduced podium height to 27 metres (7 storeys) which is consistent with the datum of the neighbouring

westerly building (82 Lombard Street), creating a consistent street wall with the westerly property, along Lombard Street.

- The north side of the podium will be setback:
    - For Level F1 (i.e. from a height of 0 metres to a maximum height of 7 metres), 0.0 metres from the property line; and
    - For Levels F2 to F7, 7.5 metres and 5.5 metres from the north property line abutting 87 Richmond Street East and 3.5 metres from the north property line generally abutting 101 Richmond Street East;
  - The south side of the podium will be setback:
    - For Levels F1 to F4, 0 metres and 2.0 metres; and
    - For Levels F5 to F7, 0 metres and 3.0 metres.
  - For residential dwelling units that are 3.5 metres from the northern property line from L3 to L13, a maximum of 50 percent of the façade facing 101 Richmond Street East within the 3.5 metre setback may have transparent glass.
- Proposed Building Setbacks: The building footprint has been reconfigured to provide for the following:
- For Levels F8 and F9:
    - a 7.5-metre and 5.5-metre setback from the north property line abutting 87 Richmond Street East;
    - a 3.5-metre setback from the north property line abutting 101 Richmond Street East;
    - a 3.5-metre setback from the west property line abutting 82 Lombard Street;
    - a 1.0-metre to 3.0-metre setback from the south property line;
  - For Levels F10 and above:
    - a 7.5-metre and 5.5-metre setback from the north property line abutting 87 Richmond Street East;
    - a 3.5-metre setback from the north property line abutting 101 Richmond Street East;
    - a 3.5-metre and 1.5-metre setback from the west property line abutting 82 Lombard Street;
    - a 1.0-metre to 5.0-metre setback from the south property line;
  - Increased maximum building height of 72 storeys (250 metres, including mechanical penthouse).
    - Given the height variation from the 67th floor at 211.4 metres to 250 metres, the articulation of the tower, in particular the upper portions of the tower and roof will be secured in the Zoning By-law Amendment Diagrams to reflect this unique design aspect of the development;
  - The tower is proposed to cantilever over the Midblock Connection at an increased height of 33.9 metres (above the 9<sup>th</sup> storey).

- Retail Uses: The retail uses will be located to face the Midblock Connection to support the creation of an animated outdoor public space.
- Gross Floor Area: A total gross floor area of 44, 407 square metres for residential uses are proposed. A minimum of 98 square metres for non-residential uses will be provided in the new development. Additional non-residential uses will be located within the relocated Morgue Building.
- Façade Integration of 100 Lombard Street: The south elevation of 100 Lombard Street is proposed to be documented, reconstructed and integrated into the proposed development facing Lombard Street, with cornice features to wrap the corner interior to the Site along the Midblock Connection. Views of the 100 Lombard Street façade and public realm are shown on A-0000 of the plans and drawings prepared by WZMH Architects and OMA.
- Midblock Connection and POPS: The new publicly accessible private space (POPS) extending from Richmond Street East to Lombard Street as originally proposed, is maintained. The POPS will be located adjacent to, and in front of, the relocated Morgue Building fronting onto Lombard Street. The specific details of design, matters related to public access to the POPS through the Site, and integration with the surrounding public streets will be determined at the Site Plan Approval stage. The general area is shown on A-100 on the plans and drawings prepared by WZMH and OMA depicts a 2-D visual representation of the space adjacent to the Morgue Building to the east and new development to the west.
- Residential Amenity: The Settlement Proposal contemplates an increased Indoor Amenity ratio of 2.5 square metres per unit (1,810 square metres total) and a reduced Outdoor Amenity ratio of 0.6 square metres per unit (411 square metres total), exclusive of the publicly accessible open space to be created as part of the Midblock Connection. No private balconies associated with residential dwelling units will be identified as counting towards the outdoor amenity space requirement. In addition, no balconies or portion of outdoor terraces with a depth of less than 2 metre will be identified as counting towards the outdoor amenity space requirement.
- Balconies: in the Zoning By-law Amendment there will be no projecting balconies in the following locations as illustrated in the plans and drawings prepared by WZMH and OMA included as Schedule "A":
  - West Property Line: within the 1.5-metre setback;
  - North Property Line:
    - Below Level 20 within 5.5 metres of the North Property Line; and
    - Between Level 3 and Level 13 within 3.5 metres of the North Property Line.

- Solid Waste: The Settlement Proposal contemplates one shared Type B/G loading space and one Type C loading space.
- Heritage: The Settlement Proposal maintains the proposed relocation of the original Morgue Building (as constructed in 1907) as a whole building, as further described in the Heritage Impact Assessment prepared by ERA Architects Inc., dated August 9, 2022, and revised November 29, 2024 (the “HIA”), to the eastern portion of the site municipally known as 100 Lombard Street. In this regard, we note the following:
  - On November 29, 2024, the Owner of 86 Lombard Street submitted a permit application under the Ontario Heritage Act (OHA) to authorize the removal of the Morgue Building from 86 Lombard Street and its relocation to 100 Lombard Street, as well as the alterations proposed to 86 Lombard Street in the Settlement Proposal;
  - The Owners will agree to the City’s standard conditions related to heritage permit applications, subject to review and acceptance of same, including a requirement to enter into and register on title to all of the lands, a heritage easement agreement to secure the removal and relocation of the Morgue Building to 100 Lombard Street;
  - As supported by the HIA, the Owners agree and continue to identify for Council that the removal and relocation of the Morgue Building to 100 Lombard Street is supportable given that the original Morgue Building, once relocated as a whole building, as further described in the HIA, will continue to meet the criteria for designation under O. Reg 9/06. The Owner acknowledges that the relocation of the Morgue Building will not have a negative impact on its cultural heritage value as all of the heritage attributes will be conserved;
  - The Owners agree that once the building is moved to its new location and the removal process is complete, the Owners will support re-designation of the new property at 100 Lombard Street to ensure the Morgue Building continues to have long term protection through the new designation by-law;
  - Further details to address accessibility to the relocated Morgue Building will be refined through the Site Plan Approval process and the conservation plan required as part of the heritage permit application filed in support of the Settlement Proposal on November 29, 2024.

### **Matters of Implementation**

Should this offer to settle be accepted by City Council, the Owners and the City will jointly advise the Tribunal that all of the City's issues in respect of the Zoning By-law Amendment have been resolved and that the City has no objection to the Settlement Proposal. The Owners will be responsible for leading planning evidence in support of the Settlement Proposal, including filing any sworn affidavit evidence with the Tribunal that is on consent with the City.

If this Offer is accepted, the Owners and the City shall jointly request that the Tribunal allow the Appeal, in part, approve the revised ZBA Application in principle and withhold its Final Order in respect of the Appeal until the Owners and the City have advised that the preconditions listed below have been satisfied:

1. The final form and content of the Zoning By-law Amendment are satisfactory to the Executive Director, Development Review, the City Solicitor and the Owner.
2. The owner has, at its sole expense
  - a. submitted a revised Servicing Report and Stormwater Management Report, Hydrogeological Review, including the Foundation Drainage Report ("Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
  - b. secured the design and provided financial securities in respect of any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development, according to the Engineering Reports accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water;
  - c. ensured that implementation of the accepted Engineering Reports does not require changes to the proposed amending By-law or that any required changes have been made to the proposed amending By-law to the satisfaction of the Executive Director, Development Review and the City Solicitor, including the use of a Holding ("H") By-law symbol regarding any new municipal servicing infrastructure or upgrades to existing municipal servicing infrastructure, as may be required;
  - d. submitted an updated Transportation Impact Study, to the satisfaction of the General Manager, Transportation Services;
  - e. submitted an updated Pedestrian Level Wind Study to ensure that no outdoor amenity areas, balconies, the public realm or adjacent properties have

uncomfortable wind conditions, and where necessary incorporating any required mitigation measures in the Zoning By-law Amendment or otherwise implemented at Site Plan Control, to the satisfaction of the Executive Director, Development Review;

- f. the Owner has provided a detailed Conservation Plan prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Heritage Impact Assessment prepared by ERA Architects Inc., dated August 9, 2022, and revised November 29, 2024, to the satisfaction of the Senior Manager, Heritage Planning; and
- g. the Owner has entered into a Heritage Easement Agreement with the City for all of the lands municipally known as 86, 100-108 Lombard Street and 103 Richmond Street East substantially in accordance with plans and drawings prepared by OMA and WZMH, dated December 18, 2024, and the Heritage Impact Assessment prepared by ERA Architects Inc., dated August 9, 2022, and revised November 29, 2024, subject to and in accordance with the approved Conservation Plan required above, to the satisfaction of the Senior Manager, Heritage Planning, including registration of such agreement to the satisfaction of the City Solicitor on the lands.

This Offer is being submitted for consideration by City Council at its meeting that is scheduled to commence on February 5, 2025, following which it will be null and void if not accepted or otherwise extended by the consent of the Owner. If City Council accepts the Settlement Offer, our client consents to the release of this Settlement Offer, including all enclosures. If you have any questions, please contact the undersigned and Rowan Barron ([rbarron@overlandllp.ca](mailto:rbarron@overlandllp.ca)).

Yours truly,  
**Overland LLP**



Per: Daniel Artenosi  
Partner

**Schedule A**

**Architectural Plans prepared by WZMH and OMA (dated December 18, 2024)**