

**MM54.20**  
**Confidential Appendix "1" – Made public on July 21, 2014**

**AIRD & BERLIS LLP**

Barristers and Solicitors

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June 27, 2014

**BY EMAIL**

Our File #112722

WITHOUT PREJUDICE AND CONFIDENTIAL

City of Toronto  
Abbie Moscovich  
Solicitor, Planning and Administrative  
Tribunal Law  
City of Toronto  
55 John Street, Metro Hall, 26<sup>th</sup> Floor  
Toronto, ON, M5V 3C6

Dear Ms. Moscovich:

**Re: 1926 Lake Shore Boulevard West, City of Toronto**  
**OMB Case No.: PL130888**  
**Zoning By-law Amendment Appeal**

As you are aware, we act on behalf of 1926 Lakeshore West GP Inc. ("1926 Lakeshore"), the owner of the above-noted lands, in the City of Toronto (the "Site").

We are writing further to the mediation, led by Ontario Municipal Board Associate Chair Lee, held on June 25, 2014.

We are writing to set out the terms upon which 1926 Lakeshore is prepared to settle the outstanding issues between our respective clients. This offer is made on a without prejudice basis and is conditional upon acceptance by the City during the City Council meeting commencing July 8, 2014.

Our client proposes that the City and 1926 Lakeshore agree to jointly support a settlement of the above referenced appeal upon the following terms:

1. At the hearing commencing September 2, 2014, the City and 1926 Lakeshore shall jointly request that the Board allow the appeal in part and approve a Zoning By-law amendment to permit 1926 Lakeshore's proposed development, revised in accordance with the following:

- (a) The east tower shall be decreased in height from 48 storeys to 35 storeys and the west tower shall be decreased in height from 42 storeys to 35 storeys.
  - (b) The total GFA for the proposal shall be decreased from 65,825 m<sup>2</sup> to 57,825 m<sup>2</sup>, a decrease of approximately 12 percent which also reduces the number of units. This reduction shall be achieved by eliminating 20 residential floors and the residential units in podium levels 2, 3 and 4.
  - (c) The number of parking spaces shall be decreased accordingly from 835 to approximately 755 spaces while continuing to meet the required parking standards of the City's new Zoning By-law. This creates the opportunity to reduce the number of parking levels below grade, significantly decreasing the construction timeline and therefore addressing the Swansea Area Ratepayers Group's concerns with respect to neighbourhood impacts.
  - (d) The proposed tower floor plates shall be increased to a maximum of 924m<sup>2</sup> while maintaining a separation distance between the east and west towers of 25 metres. A minimum separation distance of 31 metres shall be maintained between the east wall of the east tower (excluding balconies) and the west wall of the west tower (excluding balconies) at 1900/1910 Lake Shore Boulevard West.
  - (e) A fifth storey podium level shall be included in the proposal which will incorporate residential units along the Lake Shore Boulevard West frontage of the Site with parking behind. The residential units in podium levels 2, 3 and 4 shall be removed and replaced with appropriate façade treatment along the Windermere Avenue and Lake Shore Boulevard West frontages.
  - (f) The setback from the Gardiner Expressway shall range from between 3 metres and 3.5 metres and an access easement for maintenance of the Gardiner Expressway shall be granted to the City for maintenance purposes only.
  - (g) A total non-residential GFA of 315 m<sup>2</sup> shall be provided on the ground floor for convenience retail purposes provided that the City dedicates the City owned lands located between the Site and the Windermere Avenue right of way as public highway in order to provide a driveway to Windermere Avenue for the use of loading and/or service vehicles.
2. The owner of the Site shall enter into a Section 37 Agreement with the City to secure the following:
- (a) A cash contribution to the City of 1.27 million dollars to be allocated to community benefits in consultation with the local Councillor which benefits shall include:
    - (i) the construction of a playground or splash pad in the Western Waterfront Park;

- (ii) a further traffic study (as per the request of the Swansea Area Ratepayers Group) in order to:
    - (1) review traffic operations at the intersection of Lake Shore Boulevard West / Ellis Avenue with particular regard to the operation of the eastbound U-turn movement and pedestrian crossing activity on the west side of the intersection and the possibility of changing the yield sign to a stop sign for traffic travelling south on Ellis Ave. and turning west on Lake Shore Boulevard West;
    - (2) assess and review the feasibility of potential alternatives to provide for the eastbound U-turn and potential pedestrian crossing opportunities west of Ellis Avenue;
    - (3) review shortcutting activity through the property of 15 Windermere Avenue; and
    - (4) assess potential mitigating measures to reduce such activity, as feasible, to limit shortcutting through this property.
  - (b) The provision of a construction monitoring and mitigation plan, including pre and post construction surveys for 1900-1910 Lake Shore Boulevard West and 15 Windermere Avenue.
  - (c) Coverage of at least 10 million dollars for property damage and public liability coverage for the entire construction process naming the condominium corporations at 1900-1910 Lake Shore Boulevard West and 15 Windermere Avenue as additional insured parties.
3. The owners will not seek the closure of a traffic lane on Lake Shore Boulevard West for the duration of the construction period on the understanding that intermittent closures may be required from time to time.
  4. The City will not seek to adjourn, or in any way delay, the hearing scheduled to commence on September 2, 2014 and will support the appeal, as amended by the foregoing, at the hearing.
  5. The City and 1926 Lakeshore shall ask the Ontario Municipal Board to withhold its final Order until advised by the City Solicitor that a Section 37 Agreement securing the payment referenced in 2(a) above has been executed.
  6. The parties will work together to finalize an acceptable form of the Zoning By-law amendment prior to the hearing and in the event of any dispute regarding the final form of same, any party may ask the Board to settle such matters as part of the hearing commencing September 2, 2014.
  7. Each party will bear its own costs of these proceedings.

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**Page 4**

8. This offer is conditional upon acceptance by City Council at its meeting commencing July 8, 2014.

We have enclosed a revised set of architectural drawings which reflect the above-noted settlement proposal. In addition, the shadow study has been updated to reflect the changes to the height and massing of the towers and illustrates the reduced shadow impact on the Western Waterfront Park on June 21 in 10-minute intervals. A copy of the updated shadow study is enclosed.

Finally, we note that the Swansea Area Ratepayers Group has been consulted in the preparation of this offer. Their legal counsel, Mr. William Roberts will be writing to you under separate cover confirming their position with respect to the terms set out herein. At Mr. Roberts' request, we are also confirming on behalf of our client, that it would have no objection if the City were to involve his clients in its deliberations with respect to the use of the section 37 funds and the process relating to the future site plan application.

We look forward to hearing from you. Thank you very much.

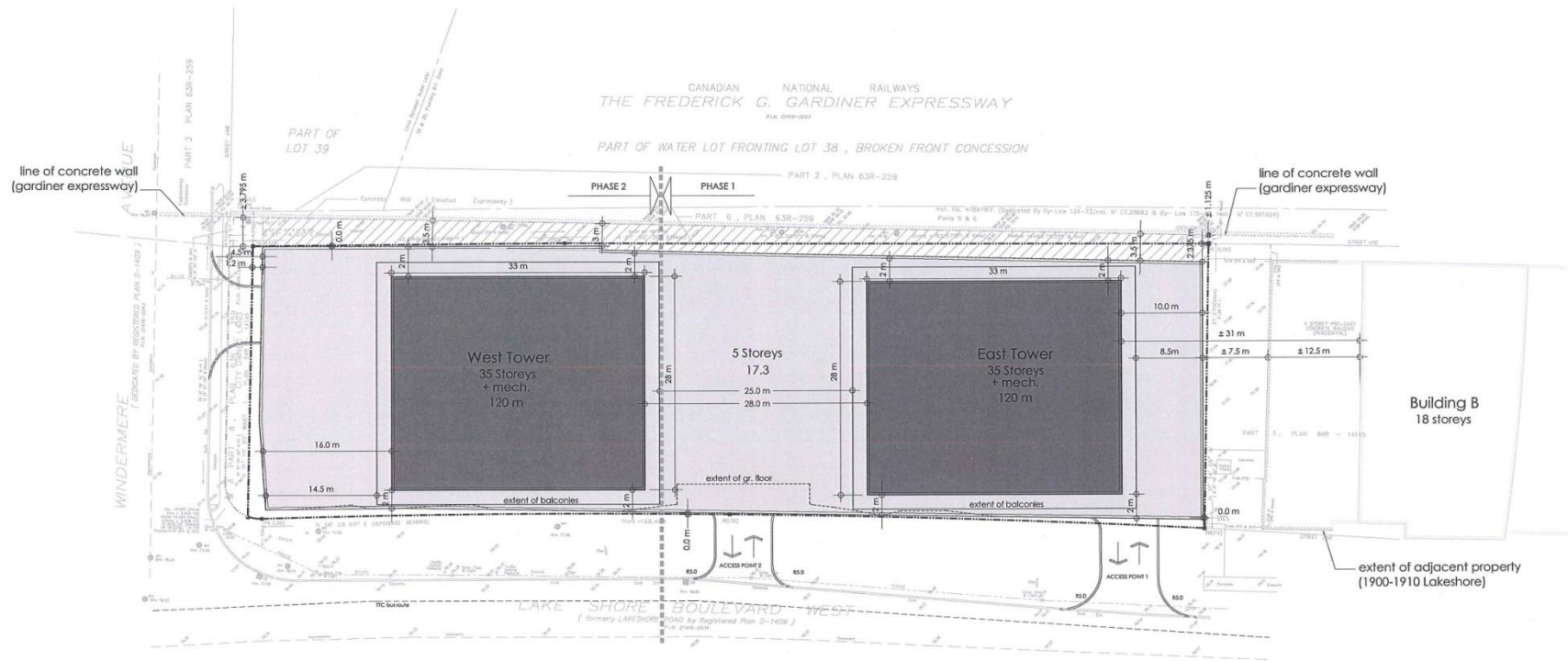
Yours truly,

AIRD & BERLIS LLP



Kim M. Kovar  
KMK/SJL

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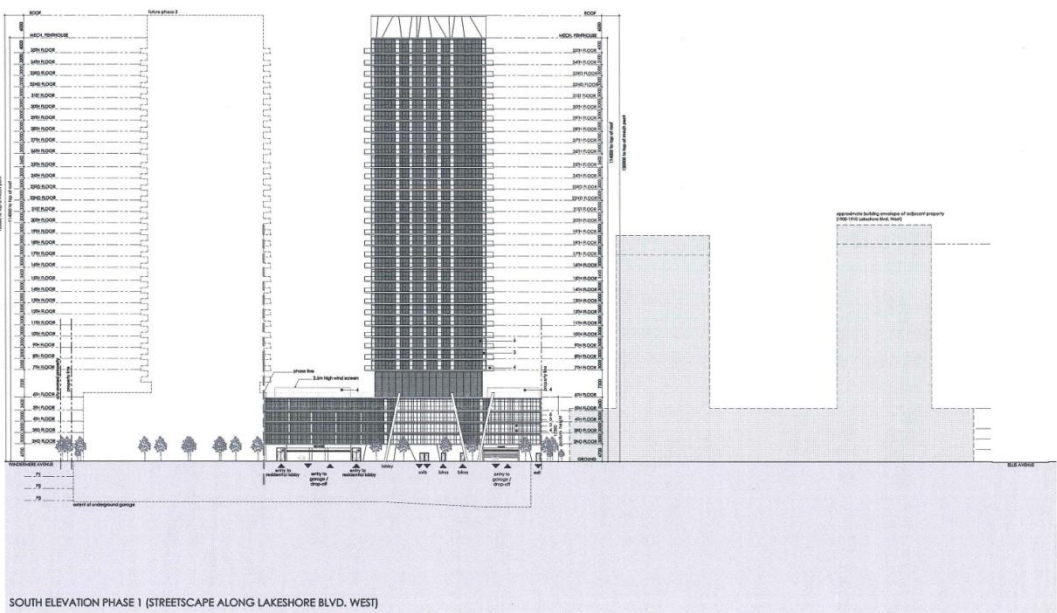
**SITE PLAN** without prejudice

■ Cartera ■ Lake Shore + Windermere ■ 970.11.D ■ Jun.26.2014

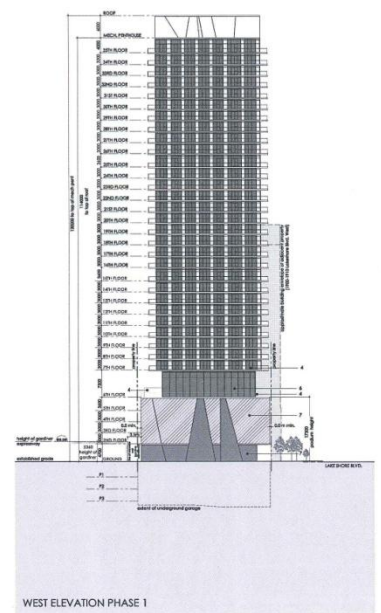
The drawings are the property of the architect and shall remain confidential. No part of these drawings shall be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the architect. The architect shall not be responsible for any errors or omissions in these drawings. The architect shall not be responsible for any construction methods or materials not shown in these drawings. The architect shall not be responsible for any construction methods or materials not shown in these drawings. The architect shall not be responsible for any construction methods or materials not shown in these drawings.

The drawings are to be used for construction purposes and shall be controlled by the architect.

- 1 02/12/2013 Issued for IBA E.C.
- 2 08/01/2013 Resubmitted for IBA E.C.
- 3 04/26/2014 Without Prejudice E.C.



SOUTH ELEVATION PHASE 1 (STREETSCAPE ALONG LAKESHORE BLVD. WEST)



WEST ELEVATION PHASE 1

- Elevation Materials:
- 1 precast concrete
  - 2 vision glass
  - 3 spandrel glass
  - 4 frit patterned glass
  - 5 glass railing
  - 6 grey tinted vision glass
  - 7 stone

Issued for revisions

**GRAZIANI  
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ARCHITECTS INC.**

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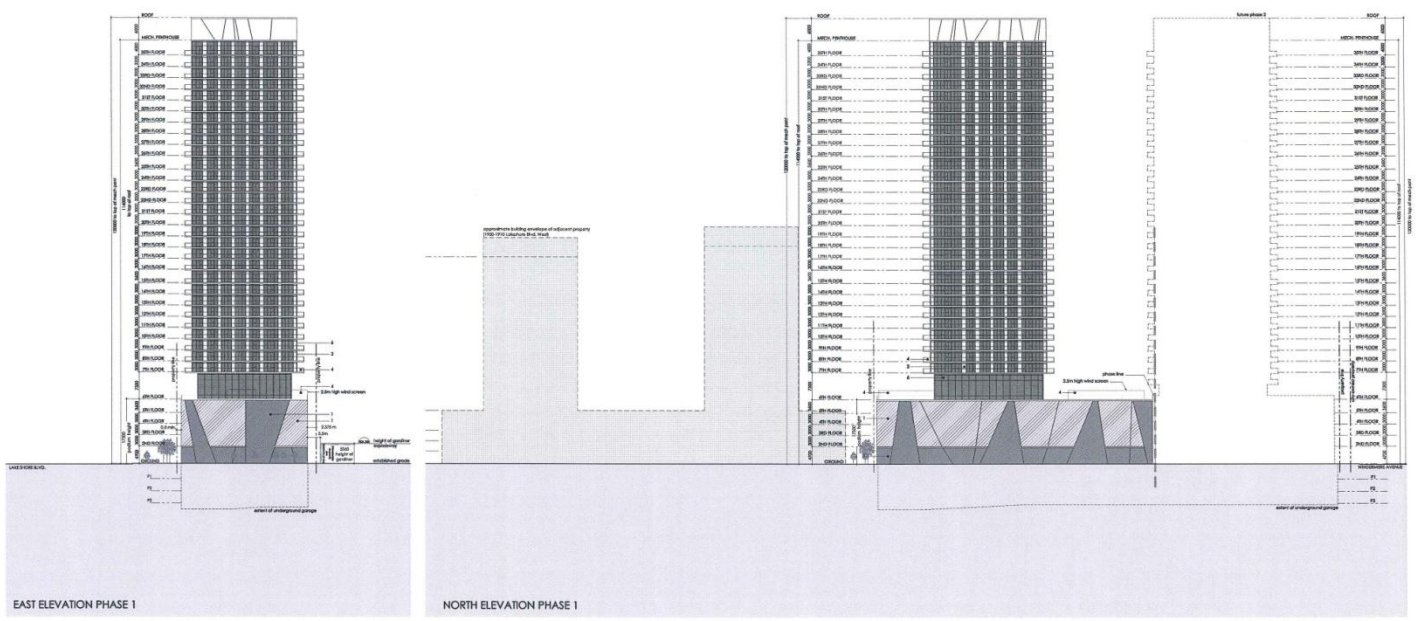
**ELEVATIONS  
PHASE 1 - INTERIM CONDITION**

Project Architect: E. Corazza  
 Assistant Designer: A. Reihart  
 Drawn By: A.R.  
 Checked By: D.A.  
 Plot Date: June 26, 2014  
 Job #: 970.11

The drawing is an abstract of work. It should be used in the presence of the original project. The drawing is not to be used for any other purpose without the written consent of the Architect. The drawing is not to be used for any other purpose without the written consent of the Architect.

The drawing is to be used for construction purposes and is subject to the Architect's approval.

- 1 05/2013 Issued for SA E.C.
- 2 06/2013 Reissued for SA E.C.
- 3 06/2014 Without Prejudice E.C.



- Execution Materials:
- 1 precast concrete
  - 2 vision glass
  - 3 opaque glass
  - 4 tint polycarbonate
  - 5 glass railing
  - 6 grey tinted vision glass
  - 7 stucco

Issued for revisions

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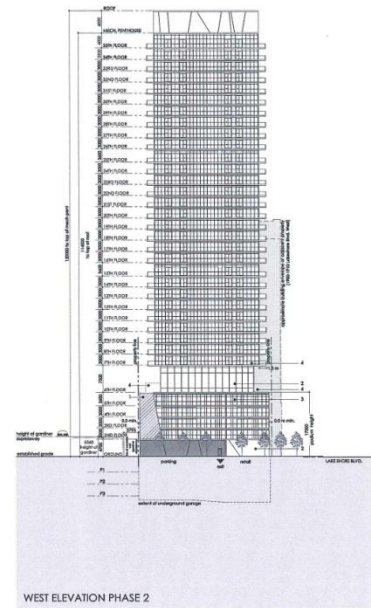
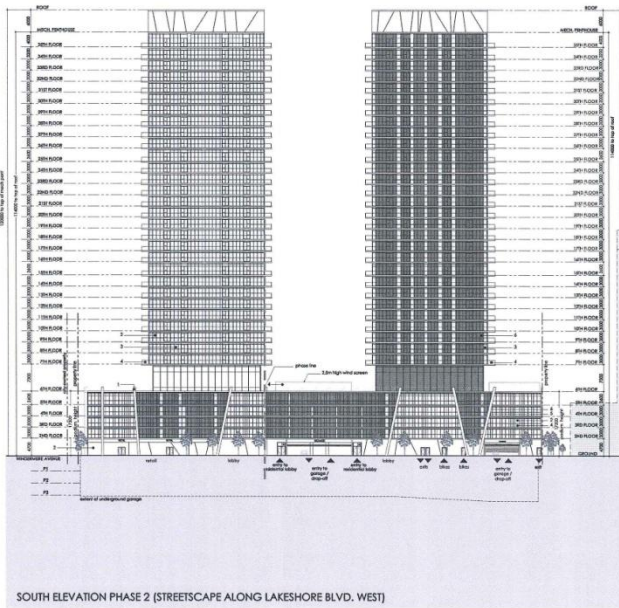
**ELEVATIONS  
PHASE 1 - INTERIM CONDITION**

Project Architect: E. Corazza  
 Assistant Designer: A. Reinhardt  
 Drawn By: A.R.  
 Checked By: D.R.  
 Plot Date: June 26, 2014  
 Job #: 970.11

This drawing is an integral part of the project and shall be used for construction purposes and submitted by the Architect.  
 The drawing is not to be used for construction purposes and submitted by the Architect.  
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This drawing is not to be used for construction purposes and submitted by the Architect.

1	02/12/2013	Issued for IBA	E.C.
2	08/01/2013	Revised for IBA	E.C.
3	06/26/2014	Without Prejudice	E.C.



Elevation Materials:

- 1 precast concrete
- 2 vision glass
- 3 spandrel glass
- 4 1/8" patterned glass
- 5 glass railing
- 6 grey tinted vision glass
- 7 stone

Issued for revisions

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**ELEVATIONS  
PHASE 2**

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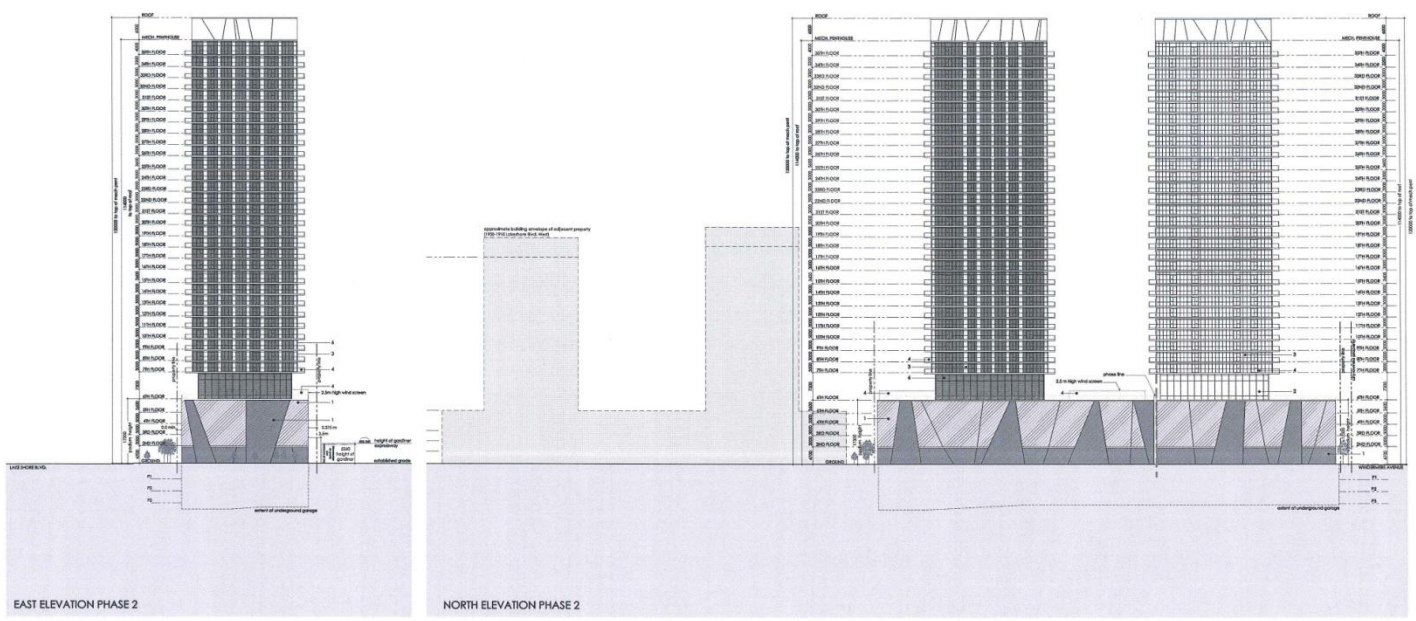
Project Architect: E. Corazza  
 Assistant Designer: A. Reihart  
 Drawn By: A.R.  
 Checked By: D.S.  
 Plot Date: June 26, 2014  
 Job #: 970.11



The drawing is an abstract of service. It is provided by the architect to the client for information only. It is not to be used for construction purposes without the approval of the architect. The architect is not responsible for the accuracy of the data. The client is responsible for the accuracy of the data. The architect is not responsible for the accuracy of the data. The client is responsible for the accuracy of the data.

The drawing is to be used for construction purposes only and is not to be used for any other purpose.

1	02/2013	Issued for SA	E.C.
2	03/2013	Revised for SA	E.C.
3	06/2014	Without Prejudice	E.C.



- Revolution Materials:
- 1 precast concrete
  - 2 vision glass
  - 3 spigotted glass
  - 4 8ft polished glass
  - 5 glass railing
  - 6 grey tinted vision glass
  - 7 stucco

Issued for revisions

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Phone: 514 392-1234 Fax: 514 392-1235

**ELEVATIONS  
PHASE 2**

Project Architect:	E. Corazza
Assistant Designer:	A. Reinhardt
Drawn By:	A.E.
Checked By:	D.B.
Plot Date:	June 26, 2014
Job #	970.11



June 21, 04:48 pm



June 21, 04:58 pm



June 21, 05:08 pm



June 21, 05:18 pm



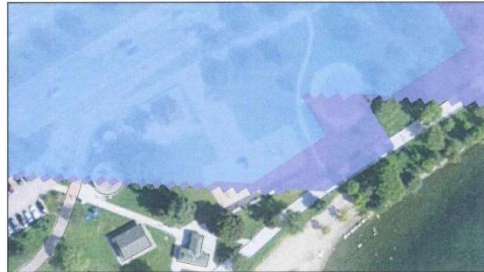
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June 21, 05:58 pm



June 21, 06:08 pm

LEGEND

- Shadow of the 35&35 storeys buildings
- Shadow of the 42&48 storeys buildings