

Public Attachment 1

**Sherman♦Brown**  
—BARRISTERS & SOLICITORS—

December 5, 2016

Our File No.: 00-1610

City of Toronto  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Ms. Abbie M Moscovich**

Dear Madame:

**Re: “WITH PREJUDICE” Settlement of Appeal relating to the Application for Rezoning relating to the property municipally known as 939 Eglinton Avenue East, City of Toronto (the “Site”)**

**\* PLEASE NOTE THAT THIS OFFER IS OPEN UNTIL THE END OF COUNCIL AT ITS MEETING OF DECEMBER 13-14, 2016)**

**City File Number: 15 141830 NNY 26 OZ**  
**OMB File No.: PL 160720**

We are the solicitors for Diamond Corp. and 939GP Inc., the applicant/owner in respect of the above-noted matter. Since the original filing of our client’s application for rezoning in April of 2015, our client has engaged in a positive and cooperative consultation process with City Staff, the local Councillor and the various stakeholders in the local community, all of which has lead to significant revisions and responses to the various concerns and issues raised to date. Despite the cooperative approach taken by our client, some of those individuals involved in the community consultation process made it clear to our client that despite the significant revisions agreed to by the applicant, there was a clear intention to appeal any decision relating to this application, which indication lead our client to file an appeal of its application back in July of 2016, with the intention of continuing to consult with all stakeholders in the hope that such appeal would end up as a “settlement hearing”.

We are pleased to now be in a position to file the within “with prejudice” settlement proposal, which we are confident fully responds to not only City Staff’s input to date, but which we are hopeful is seen as an acceptable compromise to all of the local community representatives, which settlement proposal is contingent upon City Council approval of such settlement proposal at its upcoming meeting of December 13 – 14, 2016.

The following is a list of the significant revisions and reductions to the original proposal, which revisions and reductions are as follows:

1. The overall gross floor area has been reduced from 106,800 to 82,500 square metres in the full build-out master plan;
2. The total unit count has been reduced from 1500 to 985 units;
3. The 11, 160 square metre office component has been maintained within the southern block in the full build-out master plan;
4. Originally there were four point-block towers, whereas the revisions agreed to have resulted in the elimination of one of the towers, with such tower area being replaced with a park;
5. The specific revisions to the original tower configuration is as follows: Building A has been revised from 19 to 20 storeys, Building B has been reduced from 24 to 16 storeys, Building C has been reduced from 34 to 28 storeys, and Building D has been removed altogether and replaced with a Park;
6. Specific design changes were made, which changes included a commitment to include certain building materials which have been agreed to with the working group and City Staff as part of both the rezoning and site plan approval package;
7. The design revisions included the introduction of a North-South Public Street along the full-length of the western edge of the property in lieu of the previously proposed L-shaped road configuration from Brentcliffe to Vanderhoof;
8. The design of the various streets and boulevards have been revised in accordance with input from all interested stakeholders;
9. There has been the introduction of a North-South Pedestrian Mews separating Buildings A and B, which public mews leads to a Central Public Park;
10. The inclusion of this important pedestrian mews has improved the activity along all building bases, providing a more animated and attractive streetscape which allows for pedestrian connectivity throughout the entire development;
11. A pedestrian base which includes the addition of retail and townhomes at-grade and which design has added Natural Stone around the perimeter of all development blocks is a feature agreed to by the applicant to specifically respond to the stakeholders' request to provide an inviting environment along the base of all buildings within the development;
12. The midrise podium height along Eglinton Avenue has been reduced to a 7 storey brick podium with a glass mansard floor above;
13. Although the Midrise Guidelines do not apply to this portion of Eglinton Avenue as it is not designated an "Avenue" in this area, the midrise portions of the buildings along Eglinton Avenue meet the intent of the Avenues Midrise Guidelines in terms of both their height and in terms of the angular planes;
14. Buildings A and B have been significantly revised in terms of their terraced design, further reducing both the floorplate and overall gross floor area of the proposal;
15. Servicing and Loading have been internalized within Building A, with a centralized garbage pick-up being invisible from all street frontages;

16. The setbacks along Eglinton Avenue have been increased from 4.5 to 5.5 metres to enhance the width of the public sidewalk and to virtually remove all the shadow from the midrise buildings from the north curb at 11:18 am March/September 21<sup>st</sup>;
17. The distance between Building A (from the 14<sup>th</sup> floor up) and Eglinton Avenue has been increased from 11.25 to 37.2 metres; and
18. The distance between Building B (from the 14<sup>th</sup> floor up) and Eglinton Avenue has been increased from 11.25 to 27.3 metres.

In addition to the revisions noted herein, as depicted on the plans now filed with the City, in the continued spirit of cooperation, our client has been asked to consent to the payment of a Section 37 contribution towards community benefits, inclusive of all such matters including public art, in the amount of \$3.2 million. Please note that if the settlement is adopted at City Council, our client agrees to the payment of such amount upon the issuance of the first above-grade building permit.

We thank you for your consideration of this “with prejudice” settlement offer, which offer remains open up until City Council’s consideration of this matter at its December 13-14 meeting date. If this offer is accepted by City Council, such offer may become “public” at that time. However, if the offer is not accepted by City Council at its upcoming December 13-14 meeting date, please consider this offer formally withdrawn.

Yours very truly,



Adam J. Brown

cc: Councillor Burnside  
Mr. Joe Nanos, Director, Community Planning  
Mr. Willie McRae, Manager, Community Planning  
Mr. John Andreevski, Senior Planner, Community Planning  
Mr. Steve Diamond, 939GP Inc.