

**Confidential Correspondence**



Barristers & Solicitors

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October 24, 2017

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Our File No.: 162789

**WITHOUT PREJUDICE**

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

**Attention: Alexander Suriano**

Dear Sirs/Mesdames:

**Re: 492-498 Eglinton Avenue East & 3-7 Cardiff Road  
OMB Case No. PL160996**

We are solicitors for 492 Eglinton Avenue East LP, who are the owners of the properties known municipally as 492-498 Eglinton Avenue East and 3-7 Cardiff Road (the “**Property**”). On March 8, 2016, our client submitted official plan amendment and rezoning applications regarding the Property (the “**Applications**”). On behalf of our client, we appealed the Applications to the Ontario Municipal Board. As you know, a hearing has now been scheduled in respect of these appeals.

Further to our client’s recent discussions with City staff, we are writing on a without prejudice basis to propose a settlement of our client’s appeals. This settlement offer remains open until the end of the City Council meeting scheduled to commence on November 7, 2017.

**Without Prejudice Settlement**

The settlement offer is based on the attached plans prepared by RAW Design dated October 24, 2017, which have resulted from considerable discussions with City staff. In particular, we note the following aspects of the revised with prejudice plans:

1. The height to the top of roof slab for the residential component is 37.2 metres. This floor “wraps” the mechanical penthouse, which would project only an additional 1.4 metres, to achieve a total height of 38.6 metres to the top of the mechanical penthouse.
2. The proposed building is situated to provide increased space at-grade. In particular, we note the minimum setback of 4.5 metres from the property line on Eglinton Avenue East and the minimum setback of 2.0 metres from the property line on Cardiff

Road (which increases to 4.5 metres). The proposed building also incorporates a 1.5 metre stepback above the 7<sup>th</sup> floor (with projections for articulation) and an additional 2.4 metre stepback above the 11<sup>th</sup> floor.

3. The proposed building includes stepbacks of 5.5 metres for the upper stories at the east property line.
4. The proposed building provides a 7.5 metre setback from the rear property line. This setback increases to 19.5 metre above the 4<sup>th</sup> floor.
5. The revised gross floor area resulting from all of the above-noted revisions is 7,783 square metres (calculated using Zoning By-law 569-2013).
6. Implementation of the settlement will be conditional upon the following matters, which must be completed prior to issuance of any final order from the OMB regarding the proposed official plan amendment and zoning by-law amendments(s), and for which the City and our client will work cooperatively and in good faith to finalize as soon as possible:
  - a) finalization of a functional servicing report identifying both on and off-site infrastructure improvements, which also addresses groundwater requirements, acceptable to the Executive Director, Engineering and Construction Services; and,
  - b) preparation of official plan and zoning by-law amendments, in a form acceptable to the parties.

Certain matters do require refinement through detailed design, likely as part of the site plan application. In particular, our client is working through internal design details to confirm the total number of suites and the location of the indoor and outdoor amenity space, as well as the final supply of vehicle parking. Our client will also need to finalize the approach to the underground garage for a tree located in the rear corner of the property.

Our client is extremely appreciative of the good faith efforts of City staff in this matter and hopes that City Council will accept this without prejudice settlement offer. As noted above, this settlement offer remains open until the end of the City Council meeting scheduled to commence on November 7, 2017.

Yours truly,

**Goodmans LLP**



David Bronskill

6746065

Official Plan R.O.W. Width	27M
By-law 569-2013	R (f9.0, d2.0) (x942) R (f9.0, d0.6) (x956)
By-law 438-86	H18 H9 R4A Z2.0 RIS Z0.6 and 9 metres

Existing Site Area		Site Area Conveyed to City		Proposed Site Area		Apartment Neighbourhood and Neighbourhood						GFA as per Bylaw 569-2013											
						Units	Studio	1B	1B+D	2B	2B+D	3B	Total	m2	sf	Indoor Amenity	Outdoor Amenity	GFAs Excusions	Retail GFA	Residential GFA	Total GFA		
MID RISE						P2	P1							1531	16,480			m2	sf	m2	m2	m2	m2
1	1	6	3	0	9	802	8,633	40	43	93	44	474	92	0	0	0	0	0	0	0	0	0	
2	1	9	5	0	1	830	8,934	107	1,152	1,152	1,001	1,001	139	0	0	0	0	0	0	0	0	0	
3	4	9	5	0	14	929	10,000	27	27	27	27	27	902	9,711	9,711	9,711	9,711	9,711	9,711	9,711	9,711	9,711	
5	7	7	3	0	10	690	7,427	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
6	7	7	3	0	10	690	7,427	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
7	7	7	3	0	10	690	7,427	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
8	5	5	3	0	8	6,04	6,501	27	27	27	27	27	577	6,213	577	577	577	577	577	577	577	577	
9	5	5	3	0	8	6,04	6,501	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
10	1	4	4	1	6	574	6,178	27	27	27	27	27	547	6,213	547	547	547	547	547	547	547	547	
11	1	4	4	1	6	574	6,178	2	2	2	2	2	3,940	3,940	0	0	0	0	0	0	0	0	
12																							
<b>Totals</b>		<b>0</b>	<b>52</b>	<b>6</b>	<b>33</b>	<b>3</b>	<b>4</b>	<b>98</b>	<b>8,282</b>	<b>89,147</b>	<b>147</b>	<b>1582</b>	<b>137</b>	<b>1475</b>	<b>3,561</b>	<b>0</b>	<b>0</b>	<b>7,783</b>	<b>83,745</b>	<b>7,783</b>	<b>83,745</b>		
SPA Submission																<b>8251</b>	<b>88,813</b>			<b>7683</b>	<b>82,669</b>		
Amenity Space Required																							
Required																							
Indoor																							
Outdoor																							
Total																							
FSI (Bylaw 569-2013)																							
Avg unit size Mid Rise																							
Parking Required (As per Proxy Survey, refer to Traffic Report)																							
Parking Required																							
Residential																							
Visitors																							
Retail																							
<b>Total</b>																							
Residential Reduction from Car Share																							
Total less reduction																							
Proposed Parking																							
P1																							
P2																							
Total																							
Proposed parking includes 3 accessible spaces																							
Bike Parking																							
Zoning Requirement Long Term (0.9/unit) Bylaw 568-2013 Short Term (0.1/unit) Retail																							
Zoning Requirement Residential (80% of 75%) Bylaw 438-86 Visitors (20% of 75%) Retail																							
<b>Total</b>																							
Proposed Bike Parking Short Term Residential at grade P1 Long Term Residential at P1																							
Long Term Residential at P2																							
<b>Total</b>																							

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2017-10-24 SETTLEMENT DWG.S

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492 EGLINTON AVE E

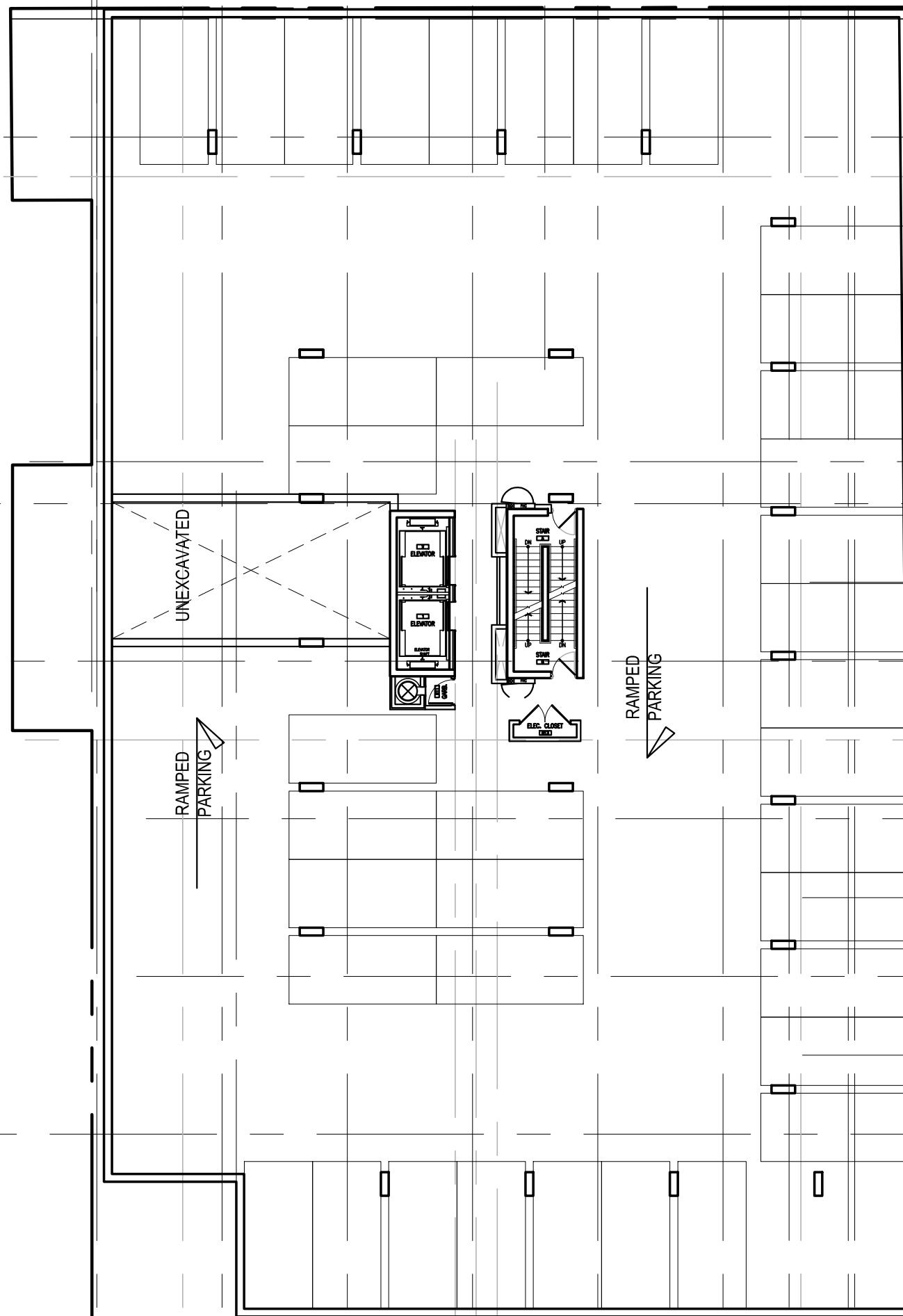
SIERRA BUILDING  
GROUP

CONCEPTUAL  
P2 PLAN

1:200

A102

P2



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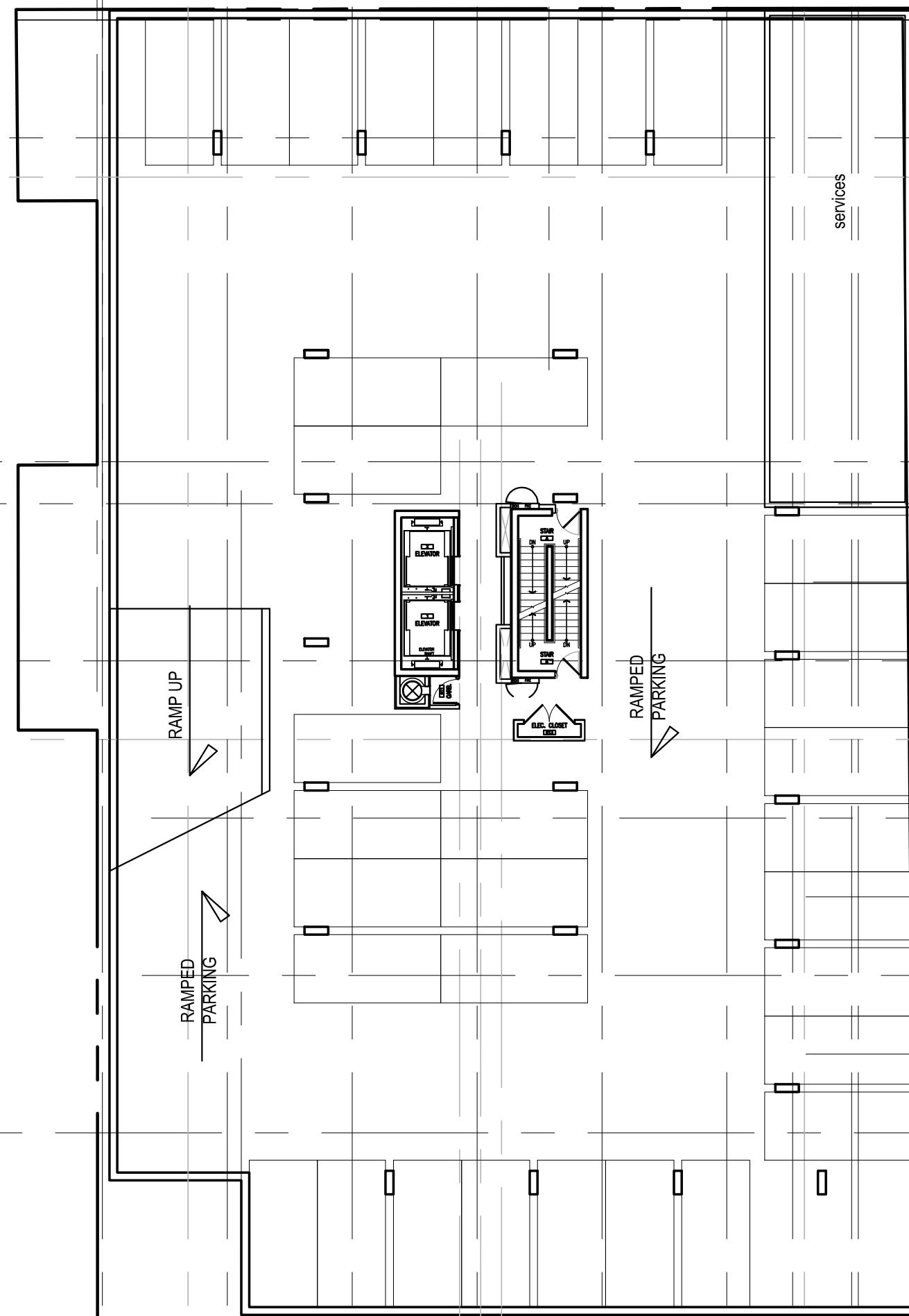
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CONCEPTUAL  
P1 PLAN

1:200

A101



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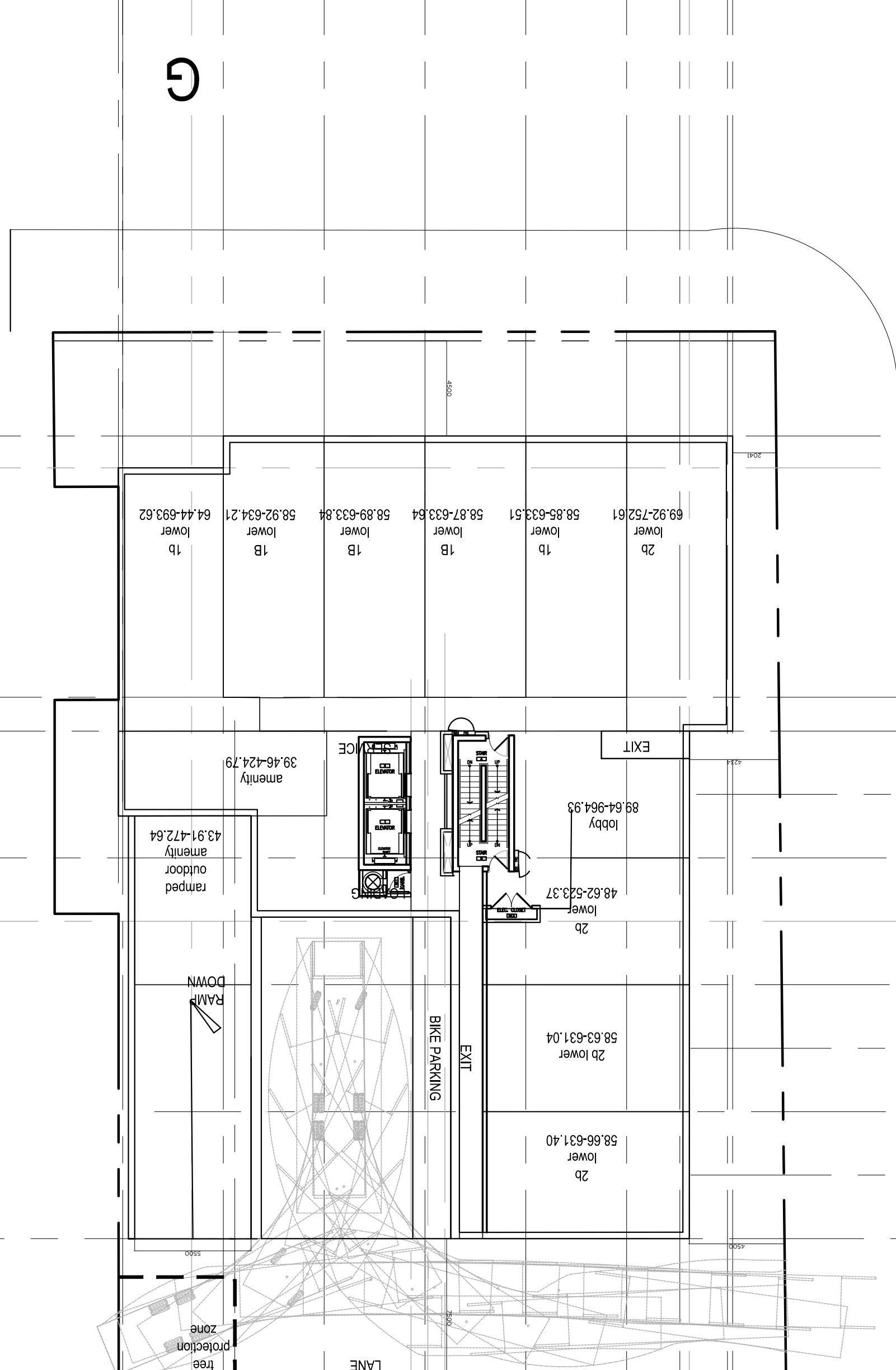
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SIERRA BUILDING GROUP

CONCEPTUAL GROUND PLAN

1:200

A201



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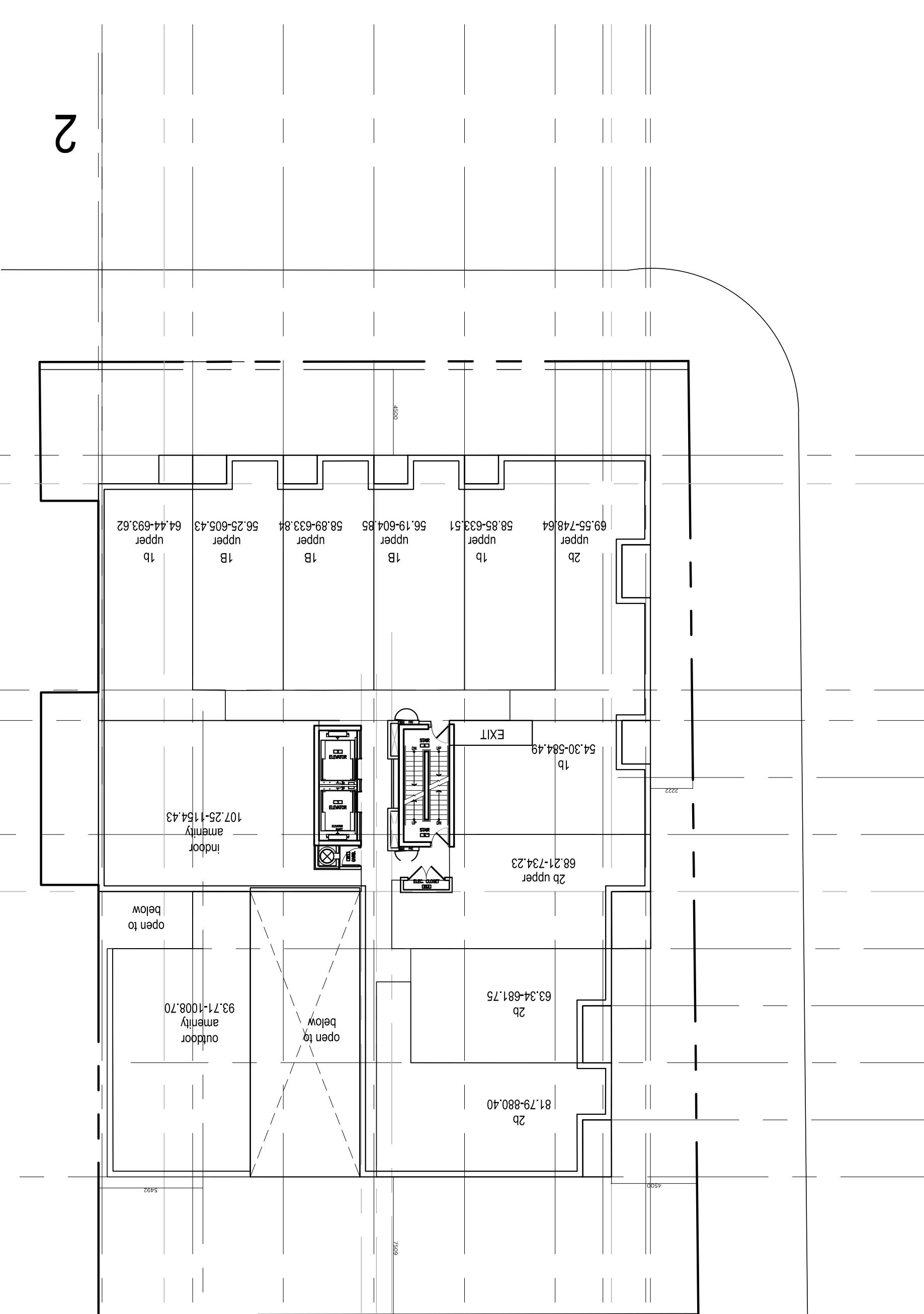
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SIERRA BUILDING  
GROUP

CONCEPTUAL  
FLOOR 2  
PLAN

1:200

A202



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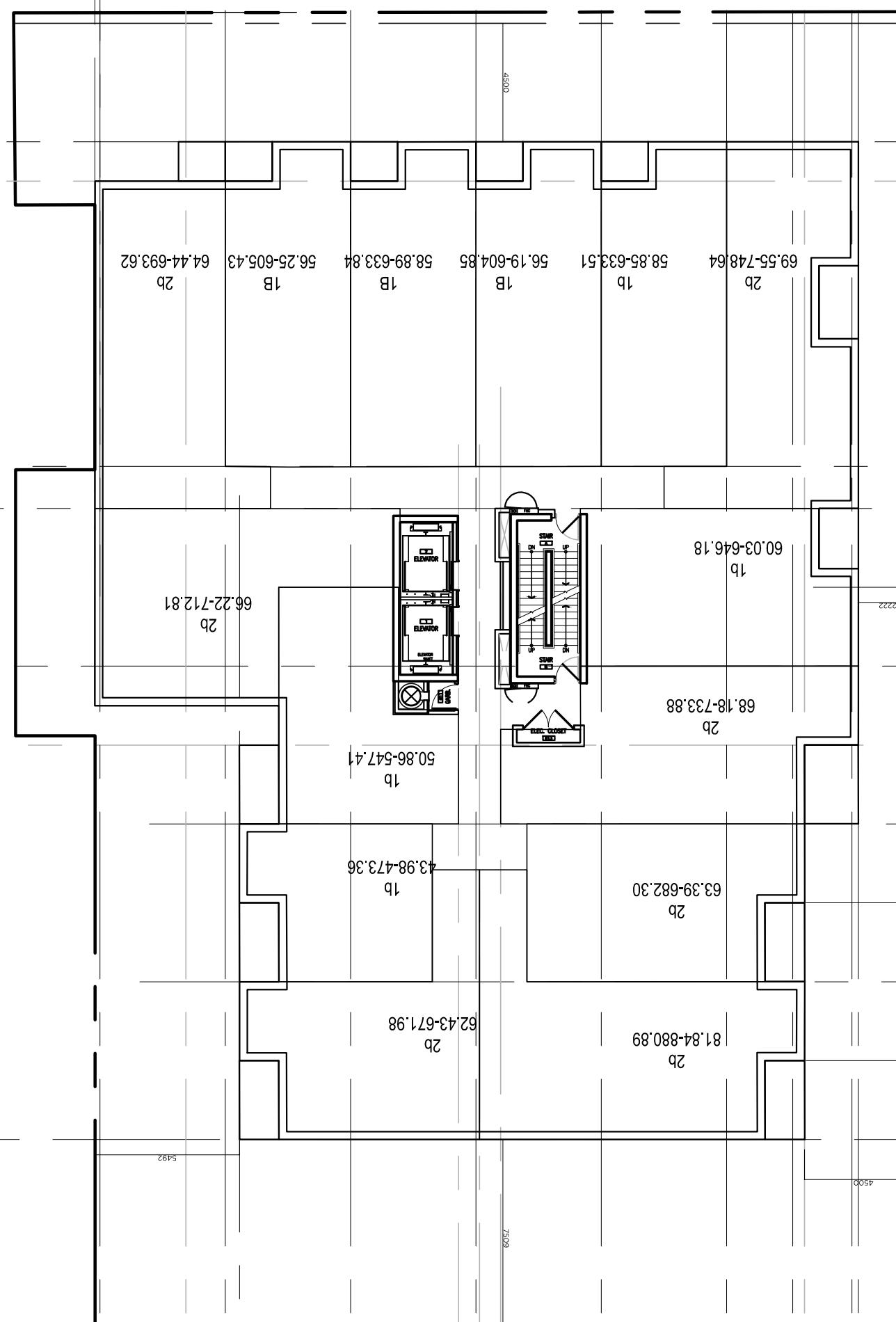
SIERRA BUILDING  
GROUP

CONCEPTUAL  
FLOOR 3  
PLAN

1:200

A203

3



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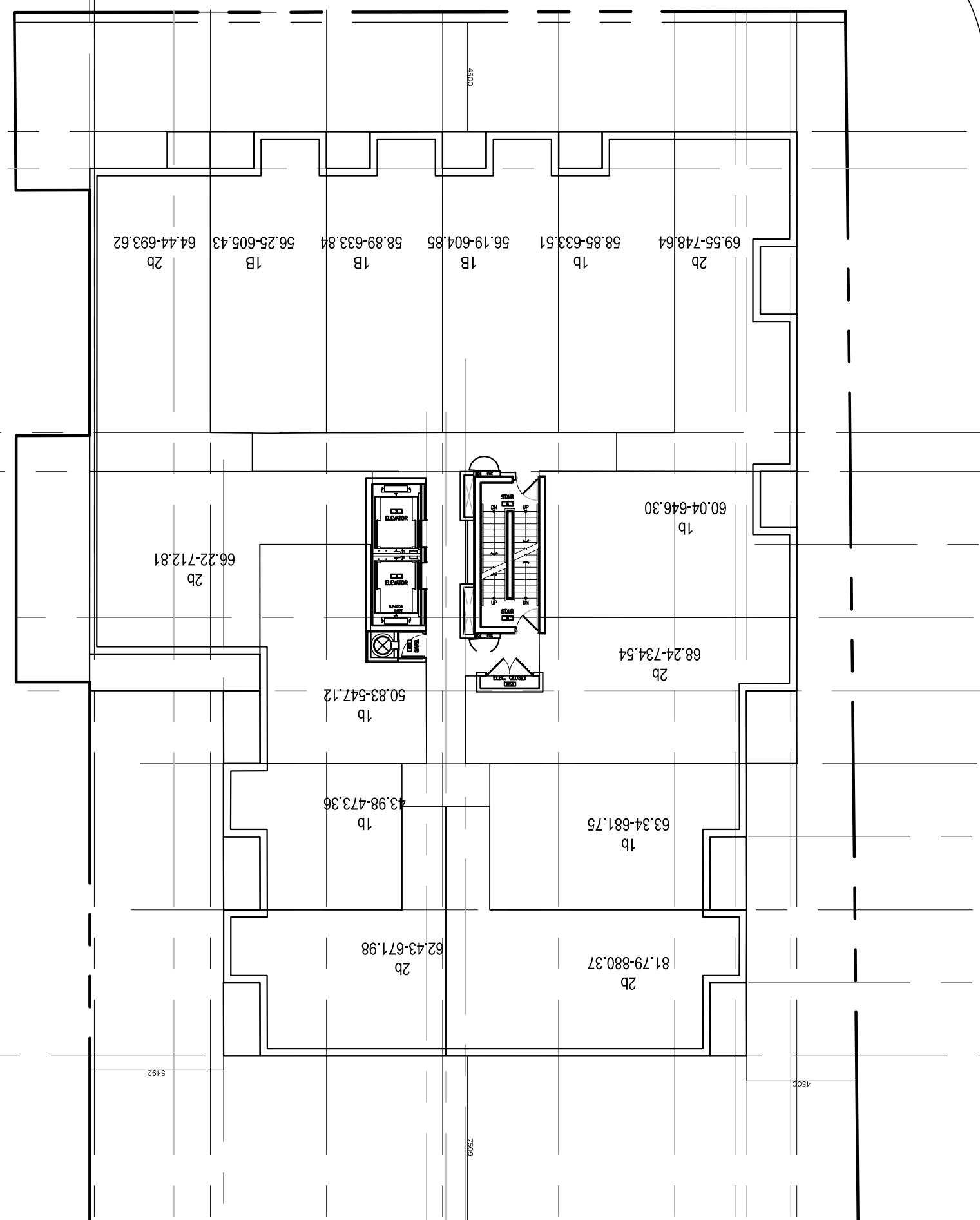
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SIERRA BUILDING  
GROUP

CONCEPTUAL  
FLOOR 4  
PLAN

1:200

A204



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CONCEPTUAL FLOOR 5 PLAN

1:200

A205

5

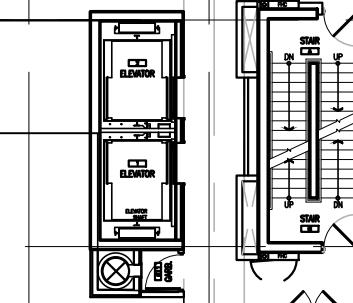
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19509

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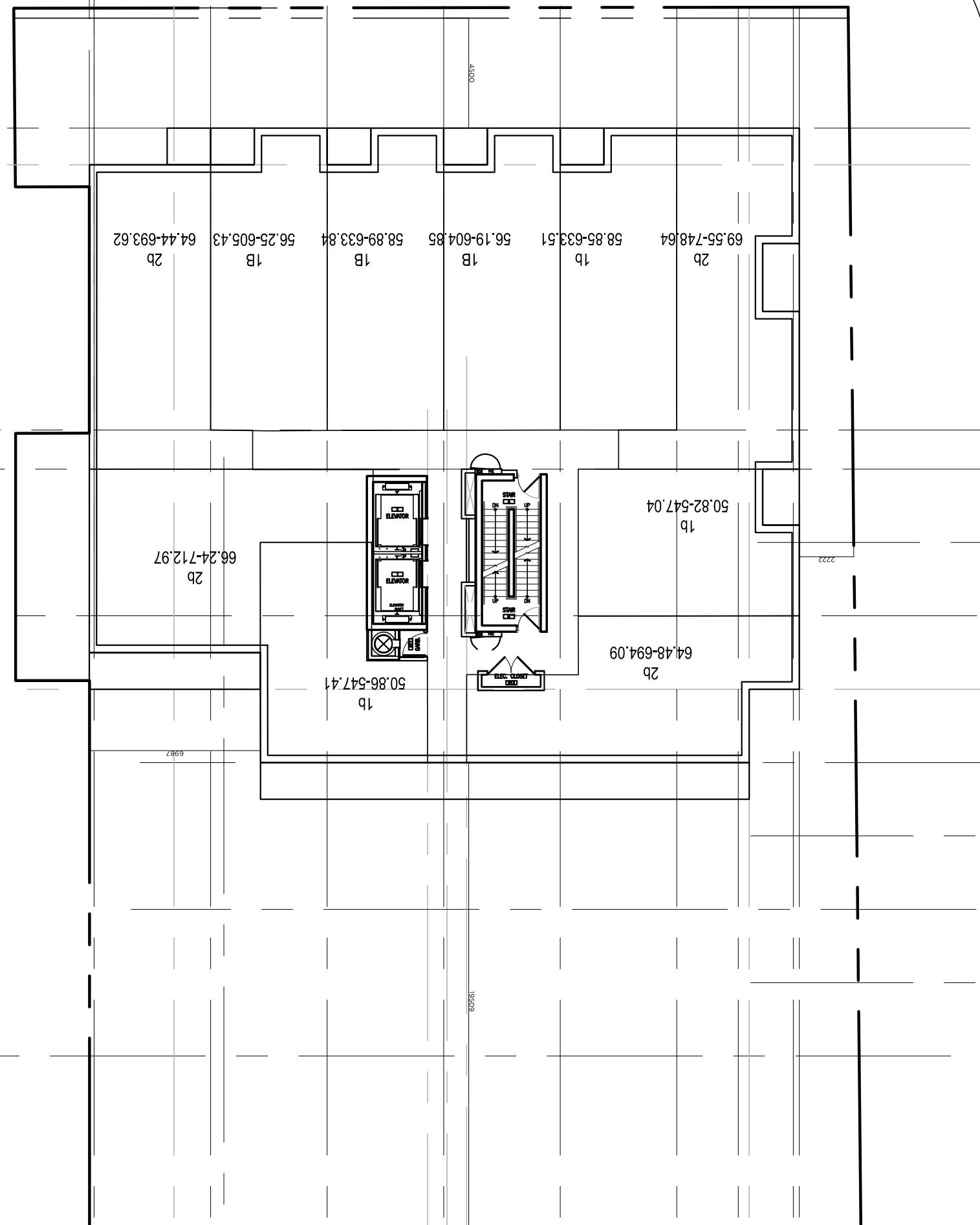
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CONCEPTUAL FLOOR 6 PLAN

1:200

A206

6



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SIERRA BUILDING  
GROUP

CONCEPTUAL  
FLOOR 7  
PLAN

1:200

A207

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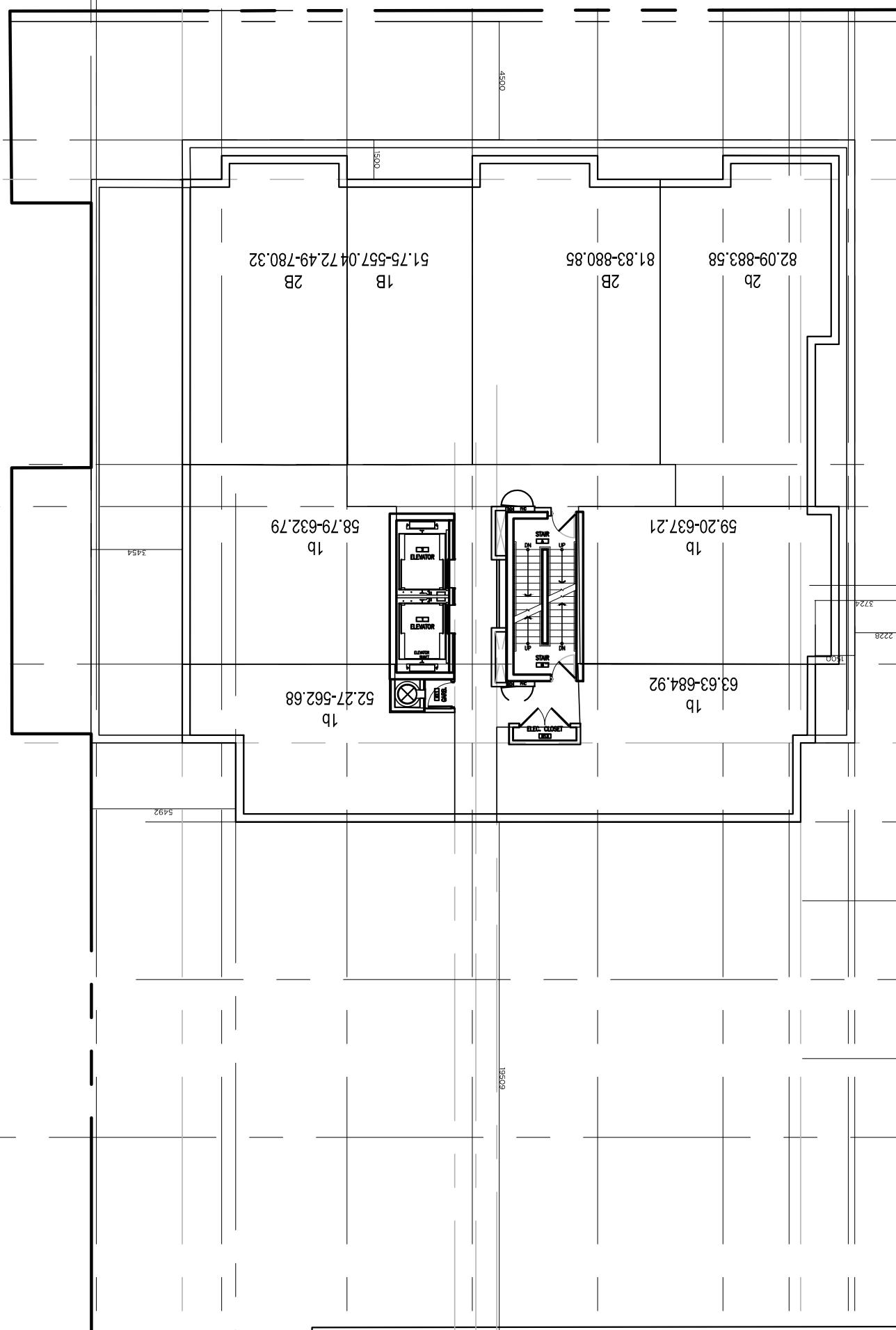
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SIERRA BUILDING  
GROUP

CONCEPTUAL  
FLOOR 8  
PLAN

1:200

A208



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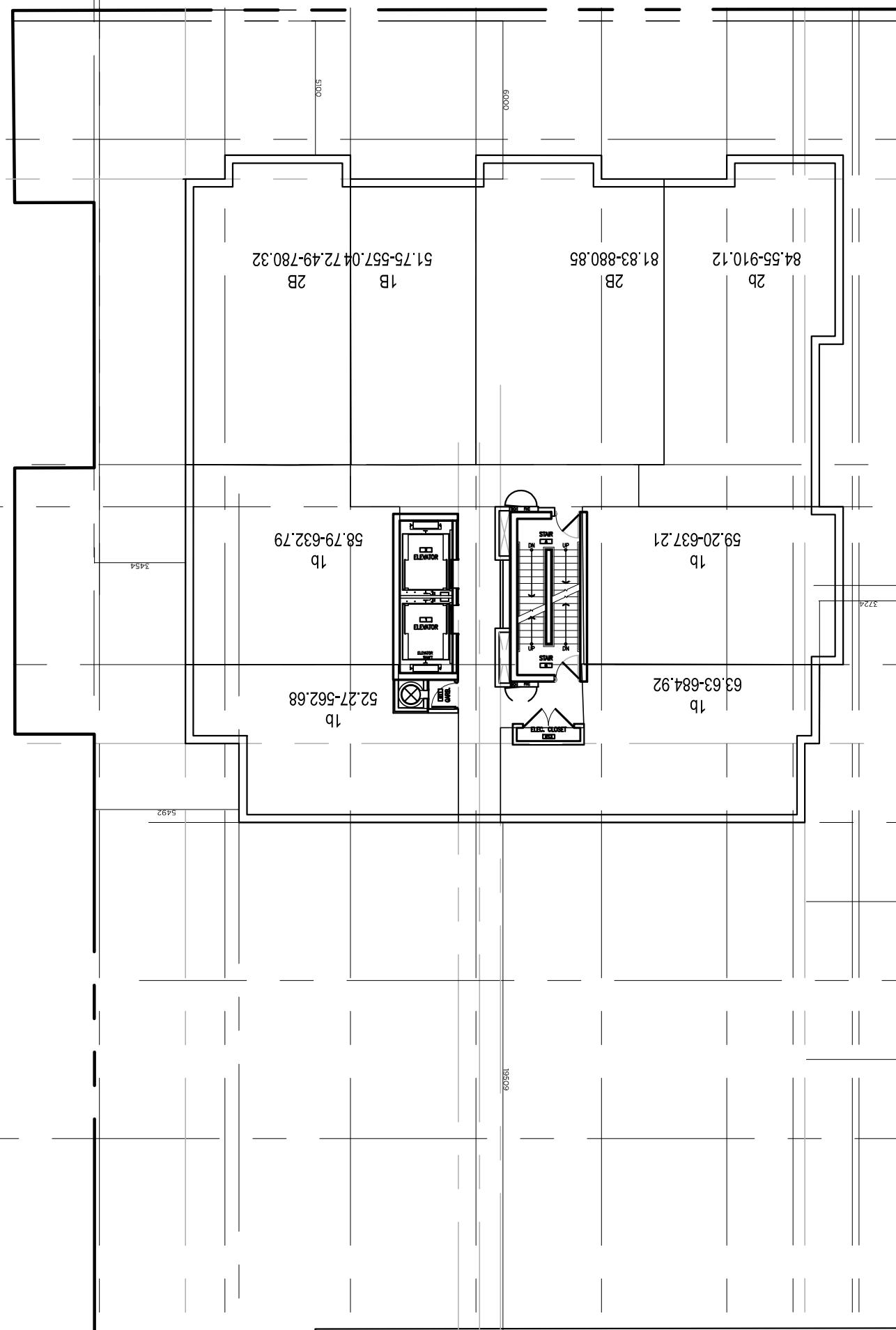
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GROUP

CONCEPTUAL  
FLOOR 9  
PLAN

1:200

A209

9



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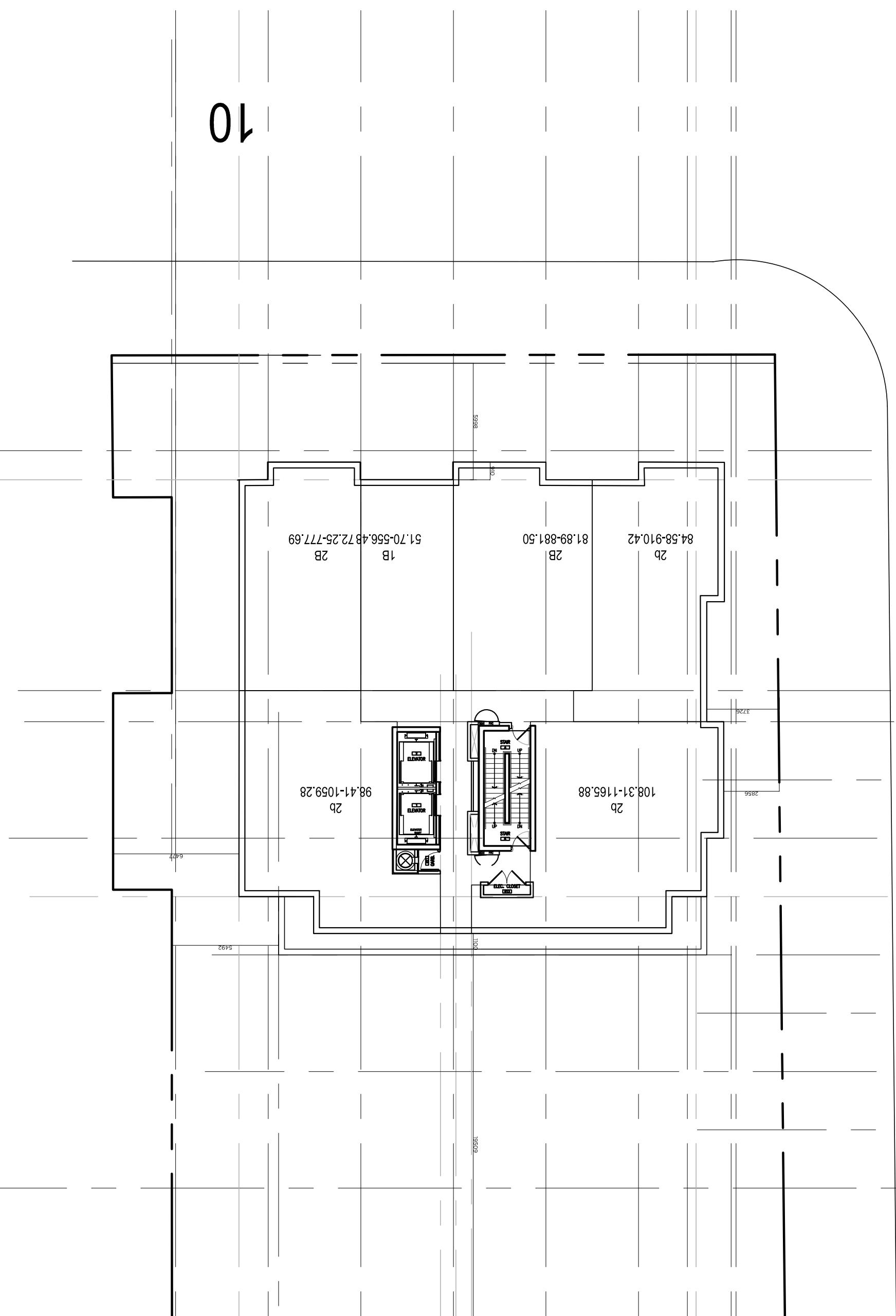
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SIERRA BUILDING  
GROUP

CONCEPTUAL  
FLOOR 10  
PLAN

1:200

A210



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SIERRA BUILDING GROUP

CONCEPTUAL FLOOR 11 PLAN

1:200

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SIERRA BUILDING  
GROUP

CONCEPTUAL  
FLOOR 12  
PLAN

1:200

A212

12

Mech

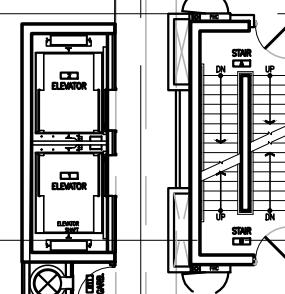
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3B



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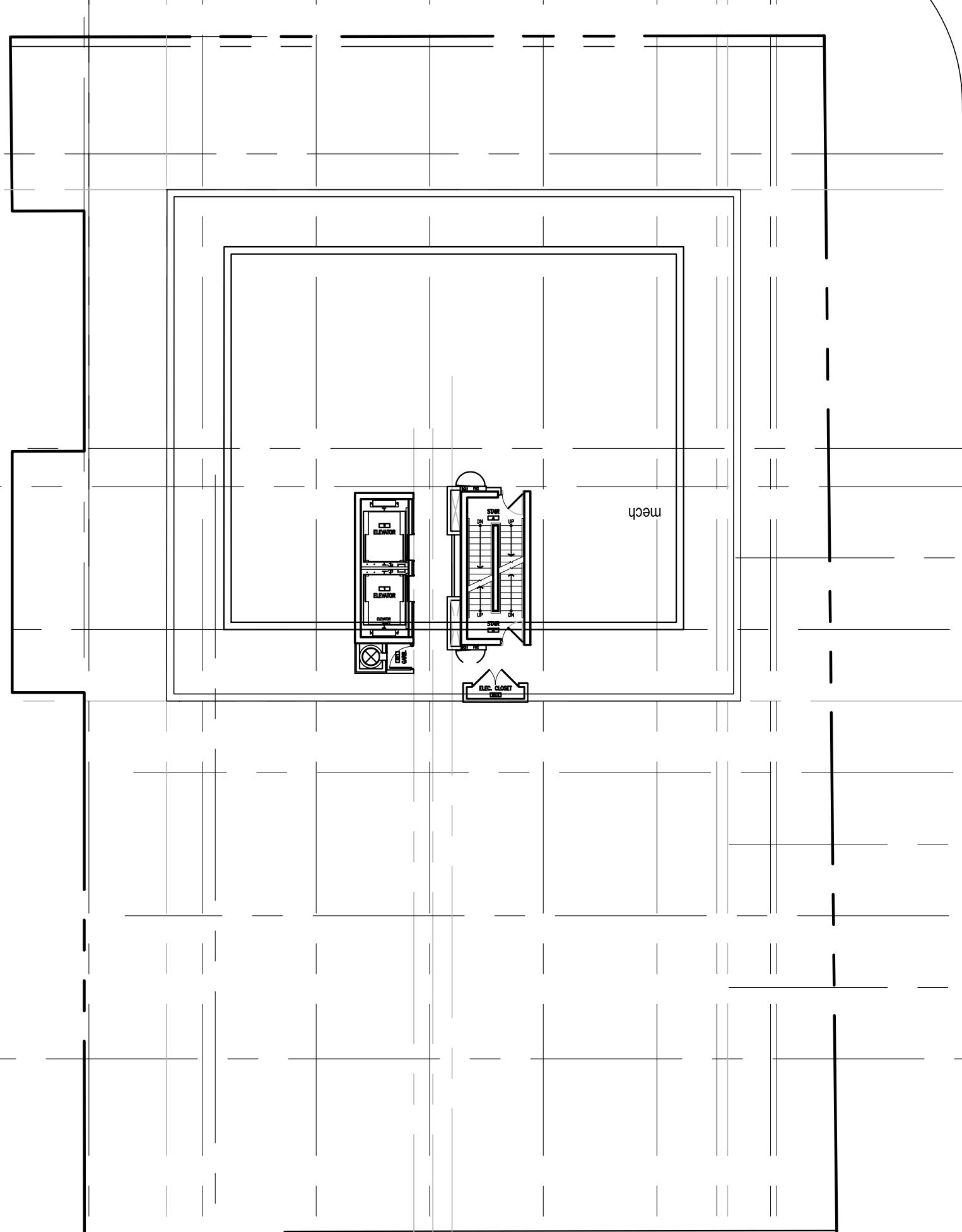
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SIERRA BUILDING  
GROUP

CONCEPTUAL  
ROOF  
PLAN

1:200

A213



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492 EGLINTON AVE E  
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CONCEPTUAL SECTION PLAN

1:200

A501

ELEVATOR AND MECH BEYOND

MID RISE ANGULAR PLANE

60d ANGULAR PLANE

58d ANGULAR PLANE  
MID RISE ANGULAR PLANE

PROPOSED PROPERTY LINE

EXISTING PROPERTY LINE

EGLINTON

4500  
21600

12 11 10 9 8 7 6 5 4 3 2 1

3600

3000

3200  
33600

2500  
3200

10500  
12600

2600

3600