

AIRD BERLIS

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January 11, 2018

**WITHOUT PREJUDICE AND CONFIDENTIAL**

VIA EMAIL

Our File #120556

Jessica Braun  
Solicitor, Planning & Administrative Tribunal Law  
Legal Services  
City of Toronto  
26<sup>th</sup> Floor, Metro Hall  
55 John St.  
Toronto ON M5V 3C6

Dear Ms. Braun:

**Re: Without Prejudice Settlement Offer  
4000 Eglinton Avenue West, City of Toronto  
City File No: 15 268318 WET 04 0Z  
OMB File No: PL161153**

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We act on behalf of Lanterra 4000 Eglinton Realty Limited in connection with the above referenced matter.

In December, 2015 our client filed an application for amendment to the former City of Etobicoke Zoning Code in order to permit the construction of a mixed use development on this site. The proposal included grade related retail uses and five residential towers having heights ranging from 18 to 33 storeys. A density of 6.6 times the lot area and a total of 1900 dwelling units were proposed.

In March, 2016 our client appealed Council's failure to issue a decision with respect to this application within the statutory timeframe set out in the *Planning Act*. The Ontario Municipal Board conducted a pre-hearing conference at which time the City, our client and a number of interested stakeholders were identified as parties and participants to these appeals. At that time, the parties jointly requested mediation, rather than a hearing date.

While awaiting the pre-hearing conference and a mediation date, our client and its team continued to consult with City staff and interested stakeholders and in response to feedback received, made revisions to its proposal. A revised submission was made to the City in February, 2017 (drawings dated February 17, 2017). The revised proposal includes a new centrally located public park having an area of 1940 m<sup>2</sup> and replaces the 5-tower proposal with a 4-tower proposal with heights ranging from 20-30 storeys and a block of three storey townhomes. The number of dwelling units was reduced to 1500 and the density was reduced to 5.68 times the lot area.

Since that time, our client and its team have continued to participate in discussions with the parties and participants, and more recently, attended two days of mediation at the Ontario Municipal Board.

At this time, we are writing to set out the terms of an offer by which we hope to resolve these appeals. Our client is prepared, on a without prejudice basis, to proceed to a future hearing based on additional revisions to the February 17, 2017 development proposal, as described below, and we are writing to provide the following offer for City Council's consideration.

If City Council supports the revised proposal at its meeting commencing January 31, 2018, our client will formally revise its Official Plan and Zoning By-law appeals before the Ontario Municipal Board and proceed to a hearing on that basis. This offer is conditional upon acceptance by City Council at its meeting commencing January 31, 2018. The following revisions to the February 17, 2017 proposal are proposed:

1. The proposed tower heights will be further reduced to three 25-storey towers and one 21-storey tower at the east end of the site. The proposed podium heights will also be reduced, as reflected on the attached site plan dated January 11, 2018, and the townhouse block will be eliminated. The towers will continue to have a maximum floor plate size of 750 m<sup>2</sup> gfa;
2. The building setbacks and stepbacks will be revised as shown on the attached site plan, while permitting balconies and other projections to encroach provided that balconies will not be permitted to encroach into the south setbacks and stepbacks facing Eglinton Avenue West;
3. The density has been further reduced from 5.68 times the lot area to 4.9 times the lot area. The number of dwelling units has been reduced to 1360;
4. The Owner shall convey a 13.5 m wide parcel of land immediately to the east of the proposed public park to the City for future public road purposes, free and clear of all encumbrances. Prior to the lands being dedicated as a public highway, the City shall provide an easement to the Owner for access to the subject site and the Owner will construct and maintain a driveway in the easement area;
5. The parkland dedication will be relocated to the west side of the site and increased to approximately 2756 m<sup>2</sup>, reflecting 15% of the net site area for residential uses and 2% of the net site area for non-residential uses, net of the proposed dedication to the City for the future public road and road widening;
6. A minimum of 15% of the dwelling units shall contain two or more bedrooms and a minimum of 10% of the dwelling units shall contain three or more bedrooms, for a total of 25% of units having two or three bedrooms;
7. The City and the Owner will work together on the design of the new public park and the owner shall receive equivalent Development Charge credits for undertaking above-base park improvements in the park;

8. The owner shall enter into a s. 37 Agreement to secure a payment in the amount of \$3,800,000.00, to be used toward community benefits to be identified by the Chief Planner in consultation with the Ward Councillor, of which up to \$800,000.00 may be satisfied by the provision of public art, at the discretion of the Chief Planner in consultation with the Ward Councillor. This contribution will be subject to the City's standard requirements including timing of payment, indexing, etc.; and
9. The parties will ask the Ontario Municipal Board to withhold its Order until advised by the City Solicitor that the following conditions are satisfied:
  - (a) The draft Zoning By-law Amendment reflecting the foregoing is finalized to the satisfaction of the parties;
  - (b) The Functional Servicing Report has been revised to the satisfaction of the Executive Director, Engineering and Construction Services and any work required to be completed by the owner, as outlined in the approved report, is satisfactorily secured, to the satisfaction of the Executive Director and the City Solicitor;
  - (c) In addition to the Functional Servicing Report, updated Transportation and Preliminary Pedestrian Level Wind Studies shall be revised to reflect the revised proposal to the satisfaction of City Staff;
  - (d) The owner and the City have entered into a Section 37 agreement to secure the s. 37 contribution outlined above.

This offer responds substantively to the issues raised by City Planning staff. As noted above, it is our intention that if Council accepts this offer we will proceed to the Ontario Municipal Board on the basis of these revisions. Accordingly, upon acceptance by City Council, this letter and the contents of this offer may be made public. It is understood that the parties will work together to finalize terms of a draft Official Plan Amendment and Zoning By-law amendment which reflects the foregoing prior to the hearing, and any outstanding issues may be resolved by the Ontario Municipal Board.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Kim M. Kovar  
KMK/mn

cc: Client  
encl.

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